DOCUMENT RESUME

ED 046 558 RC 004 946

AUTHOR	Fay, George E., Comp.
TITLE	Charters, Constitutions and By-Laws of the Indian Tribes of North America, Part IX: The Northwest, and Alaska.
INSTITUTION	University of Northern Colorado, Greeley.
PUB DATE	Oct 70
NOTE	126p.: Occasional Publications in Anthropology Ethnology Series No. 10
AVAILABLE FROM	Museum of Anthropology, University of Northern Colorado, Greeley, Colorado 80631 ($2.00)
EDRS PRICE	EDRS Price MF-$0.65 HC-$6.58
DESCRIPTORS	*Administrative Policy, *American Indians, *Governmental Structure, *Laws, *Legal Responsibility
IDENTIFIERS	*Northwest

ABSTRACT

Part of a series of publications consisting of American Indian tribal governmental documents, this volume includes charters, constitutions, and by-laws of Indian tribes in the northwestern United States. Documents are included relative to the Confederated Tribes of the Chehalis Reservation, the Confederated Tribes of the Colville Reservation, the Kalispel Indian Community, the Lummi, Makah, Quileute, Skokomish, Spokane, and Tulalip tribes--all in the State of Washington--and the Confederated Tribes of the Warm Springs Reservation in the State of Oregon. (JH)

$2 ea

ED046558

OCCASIONAL PUBLICATIONS IN ANTHROPOLOGY

ETHNOLOGY SERIES

Number 10

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

RECEIVED
JAN 26 1971
NMSU
E.R.I.C.

CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN TRIBES OF NORTH AMERICA

Part IX: The Northwest, and Alaska

compiled/edited by

George E. Fay

Museum of Anthropology

University of Northern Colorado

Greeley, Colorado

80631

October, 1970

AC000 49946

ACKNOWLEDGMENTS

The editor is indebted to the following persons for providing, and extending permission to reproduce herein, the charters, constitutions and by-laws of the Indian tribes of Washington and Oregon.

***

Washington

Harry Owhi, Executive Secretary, Colville Business Council, Nespelem, Washington: Colville Confederated Tribes.

Claude H. Heyer, Deputy Director, Lummi Indian Community Action, Marietta, Washington: Lummi Tribe.

Paul E. Emery, Program Development Officer, Community Action Program, La Push, Washington: Quileute Tribe.

Doris Miller, Secretary, Skokomish Tribal Council, Shelton, Washington: Skokomish Tribe.

Dave E. Wynecoop, Executive Secretary, Spokane Tribe of Indians, Wellpinit, Washington: Spokane Tribe.

Wayne W. Williams, Business Manager, The Tulalip Tribes, Marysville, Washington: The Tulalip Tribes.

Superintendent, Western Washington Agency of the Bureau of Indian Affairs, Everett, Washington: Confederated Tribes of Chehalis, Kalispel Indian Community, and the Makah Indian Tribe.

Oregon

Superintendent, Warm Springs Agency of the Bureau of Indian Affairs, Warm Springs, Oregon: Confederated Tribes [Cayuse, Chinook, Paiute, Walla Walla, Wasco] of the Warm Springs Reservation.

***

TABLE OF CONTENTS

Page

Constitution and By-Laws of the Confederated Tribes of the Chehalis Reservation, Washington 1

Constitution and By-Laws of the Confederated Tribes of the Colville Reservation, Washington 5

Corporate Charter of the Kalispel Indian Community of the Kalispel Reservation, Washington 16

Constitution and By-Laws of the Kalispel Indian Community of the Kalispel Reservation, Washington. . . 20

Constitution and By-Laws of the Lummi Tribe of the Lummi Reservation, Washington 29

Corporate Charter of the Makah Indian Tribe of the Makah Indian Reservation, Washington. 35

Constitution and By-Laws of the Makah Indian Tribe of the Makah Indian Reservation, Washington 39

Constitution and By-Laws of the Quileute Tribe of the Quileute Reservation, Washington. 50

Constitution and By-Laws of the Skokomish Indian Tribe of the Skokomish Reservation, Washington. . . 62

Constitution and By-Laws of the Spokane Tribe of The Spokane Reservation, Washington 74

Corporate Charter of the Tulalip Tribes of the Tulalip Reservation, Washington 79

Constitution and By-Laws of the Tulalip Tribes, Washington. 84

Corporate Charter of the Confederated Tribes of the Warm Springs Reservation, Oregon 99

Constitution and By-Laws of the Confederated Tribes of the Warm Springs Reservation of Oregon. 104

***

SOME INDIAN TRIBES IN
WASHINGTON AND OREGON.

CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES

OF THE CHEHALIS RESERVATION

[WASHINGTON]

Approved August 22, 1939

PREAMBLE

We, the Indians of the Chehalis Reservation in the State of Washington, in order to form a recognized community organization to handle our reservation affairs and in order to improve the economic condition of ourselves and our posterity, do hereby establish this Constitution and By-Laws.

ARTICLE I — PURPOSE

Our purpose shall be to promote and protect the interests of the Chehalis Indians and to preserve peaceful and cooperative relations with the Office of Indian Affairs, its officers and appointees.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Confederated Tribes of the Chehalis Reservation shall consist as follows: (a) All persons of Indian blood whose names appear on the official census roll of the Reservation as of January 1, 1939; (b) All children born to any member of the Confederated Tribes maintaining a legal residence within the territory of the Reservation at the time of such birth.

SEC. 2. The Community Council shall have the power to promulgate ordinances subject to approval of the Secretary of the Interior governing future membership and the adoption of new members.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Confederated Tribes of the Chehalis Reservation shall be a Community Council, which shall be composed of all the qualified voters of the Reservation.

SEC. 2. All enrolled members of the Chehalis Reservation who are twenty-one (21) years of age or over and who have maintained legal residence on the Reservation for a period of one year immediately prior to any election are qualified voters at such election. Such residence, however, shall not be required as qualification for voting upon amendments to the Constitution and By-Laws.

SEC. 3. The Community Council shall elect from its own members by secret ballot a Business Committee, consisting of a chairman, vice-chairman, a secretary, a treasurer, and such other officers or committees as may be deemed necessary, and shall perform such duties as may be authorized by the Community Council.

SEC. 4. The term of office of the Business Committeemen shall be for a period of two years, unless otherwise provided herein.

SEC. 5. Within sixty days after the ratification and approval of this Constitution and By-Laws, a Community Council shall be held for the purpose of electing the officers named herein, and may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting in 1940, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

ARTICLE IV—VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Committeeman or official shall die, resign, be removed or recalled from office, permanently leave the reservation or be found guilty of a felony or a misdemeanor involving dishonesty in any Indian, State or Federal court, the Community Council shall declare the position vacant and shall elect to fill the unexpired term.

SEC. 2. The Community Council may, by majority vote, expel any Committeeman or officer for neglect of duty and gross misconduct. Before any vote for expulsion is taken in the matter, such member or official shall be given a written statement of the charges against him at least ten days before the meeting of the Community Council, before which he is to appear. He shall be given an opportunity to answer any and all charges at the designated Council meeting. The decision of the Community Council shall be final.

ARTICLE V — POWERS AND DUTIES OF THE COMMUNITY COUNCIL

SECTION 1. The Community Council shall have the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached By-laws:

(a) To confer with the Commissioner of Indian Affairs, or his representatives, and recommend regarding the uses and disposition of tribal property; to protect and preserve the tribal property, wild life and natural resources of the Confederated Tribes; to cultivate Indian arts, crafts, and culture; to administer charity, to protect the health, security, and general welfare of the Confederated Tribes.

(b) To recommend and help to regulate the inheritance of real and personal property, other than allotted lands, within the Chehalis Reservation.

(c) To regulate the domestic relations of members of the Confederated Tribes.

(d) To promulgate and enforce ordinances subject to review by the Commissioner of Indian Affairs, which would provide for assessments or license fees upon non-members doing business within the Reservation, or obtaining special rights or privileges, and the same may be applied to members of the Tribes.

ARTICLE VI — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose, provided, that the Community Council shall have adopted the amendment by a two-thirds majority vote, but no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs.

***

BY-LAWS OF THE CONFEDERATED TRIBES

ARTICLE I — THE COMMUNITY COUNCIL

SECTION 1. The Chairman of the Community Council. The Chairman of the Community Council and Business Committee shall preside over all meetings of the Tribes and all meetings of the Business Committee. He shall perform all duties of the Chairman and exercise any authority delegated to him by the Community Council.

SEC. 2. Vice-Chairman of the Community Council. The Vice-Chairman of the Community Council shall assist the Chairman when called upon so to do. In the absence of the Chairman, he shall preside, and when so presiding, shall have all the rights, privileges and duties, as well as the responsibilities of the Chairman.

SEC. 3. Secretary of the Community Council. The Secretary of the Community Council shall conduct all correspondence and keep a complete and accurate record of all matters transacted at Council and Committee meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes of regular and special meetings of the Business Committee and the Tribes.

SEC. 4. Treasurer of the Community Council. The Treasurer of the Community Council shall be the custodian of all moneys which may come into the control of the Community Council. He shall pay out money in accordance with the ordinances and resolutions of the Community Council. He shall keep an account of all receipts and disbursements, and shall report same to the Community Council at each regular meeting. He shall be bonded in such an amount as the Community Council may by resolution, approved by the Commissioner of Indian Affairs, provide.

The books of the Council Treasurer shall be subject to audit or inspection at the direction of the Community Council or the Commissioner of Indian Affairs.

Until the Treasurer is bonded, the Business Committee may make such provision for the custody and disbursement of funds as shall guarantee their safe and proper disbursement and use.

SEC. 5. Appointive Officers. The duties of all appointive committees and officers appointed by the Community Council shall be clearly defined by resolution of the Community Council at the time of their creation or appointment. Such committees or officers shall report from time to time, as required, to the Community Council, and their activities and decisions shall be subject to review by the Community Council upon the petition of any person aggrieved.

ARTICLE II — TIME AND PLACE OF MEETINGS AND PROCEDURE

SECTION 1. Regular meetings of the Community Council shall be held on the first Wednesday of each month in the Community Hall on the Chehalis Reservation.

Special meetings may be called by written notice signed by the Chairman, or by a petition signed by fifteen (15) legal voters, and when so called, the Community Council shall have power to transact business as in regular meetings.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of twenty-five (25) legal voters.

7

SEC. 3. Order of Business. The following order of business is established for all meetings:

1. Call to order by Chairman
2. Roll call
3. Ascertainment of a quorum
4. Reading of the minutes of the last meeting
5. Adoption of minutes by a vote or common consent
6. Unfinished business
7. New business
8. Adjournment

ARTICLE IV—RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-Laws shall be in full force and effect whenever a majority of the adult voters of the Confederated Tribes voting in an election called by the Commissioner of Indian Affairs, in which at least 30% of the eligible voters vote, shall have ratified such Constitution and By-Laws, and the Commissioner of Indian Affairs shall have approved same.

***

CERTIFICATE OF ADOPTION

Pursuant to an order of the Superintendent of the Taholah Indian Agency and the Chairman of the Chehalis Tribal Constitutional Committee, dated June 24, 1939, the attached constitution and by-laws was submitted for ratification to the members of the Chehalis Indian Tribe of the Chehalis Reservation, State of Washington and was on July 15, 1939, duly adopted by a vote of 28 for, and none against, in an election in which over 30% of those entitled to vote cast their ballots.

RALPH HECK
Chairman, Constitutional Committee.

EDITH HECK
Secretary, Constitutional Committee.

N. O. NICHOLSON
Superintendent

Adopted August 22, 1939.

CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION [WASHINGTON]

Approved April 19, 1938
Amended

PREAMBLE

We, the people of the Colville Reservation in the State of Washington, in order to form a recognized representative council to handle our Reservation affairs, and in order to improve the economic condition of ourselves and our posterity, do hereby establish this Constitution and Bylaws.

ARTICLE I — PURPOSE

The object and purpose shall be to promote and protect the interests of the Colville Indians and to preserve peaceful and cooperative relations with the Office of Indian Affairs, its officers and appointees.

ARTICLE II — GOVERNING BODY

SECTION 1. The governing body of the Confederated Tribes of the Colville Reservation shall be a council known as the Colville Business Council.

SEC. 2. The Business Council shall consist of fourteen (14) councilmen to be elected from the districts as set forth hereafter.

SEC. 3. The representation from the districts hereby design ated shall be as follows: Inchelium district, four councilmen; Nespelem district, four councilmen; Omak district, four councilmen; Keller district, two councilmen.

SEC. 4. The Business Council shall have the power to change the districts and the representation from each district based upon community organization or otherwise, as deemed advisable, such change to be made by ordinance, but the total number of councilmen shall not be changed, as provided for in Section 2 of Article II of this Constitution.

SEC. 5. The Business Council so organized shall elect from within its own number (1) a chairman; (2) a vice-chairman; and from within or without its own membership (3) a secretary; and may appoint such other officers and committees as may be deemed necessary.

SEC. 6. No person shall be a candidate for membership in the Business Council unless he shall be a member of the Confederated Tribes of the Colville Reservation and shall have resided in the district of his candidacy for a period of one year next preceding the election, and be at least twenty-five (25) years of age.

SEC. 7. The Business Council of the Confederated Tribes of the Colville Reservation shall be the sole judge of the qualifications of its members.

ARTICLE III — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Business Council under this Constitution shall be called, held and supervised by the Superintendent of the Reservation and the delegates who were selected by the Districts and who prepared this Constitution, within sixty days after its ratification and approval.

At the first election, the two candidates receiving the highest number of votes in the Inchelium, Nespelem, and Omak districts shall serve two years. The two candidates receiving the next highest number of votes in the Inchelium, Nespelem, and Omak districts shall serve one year; and the candidate receiving the next highest number of votes in the Keller district shall serve one year. Therefore, elections for the Business Council shall be held every year and shall be called at least sixty days before expiration of the terms of office.

The terms of office of a councilman shall be for a period of two years, unless otherwise providedherein.

SEC. 2. The Business Council, or an election board appointed by the Council, shall determine rules and regulations governing all elections.

SEC. 3. Any qualified member of the Confederated Tribes may announce his candidacy for the Business Council within the district of his residence, in accordance with Section 6 of Article II.

SEC. 4. The Business Council, or a board appointed by the Business Council, assisted by the Superintendent of the Reservation shall certify to the election of the Business Council members within five days after election returns.

SEC. 5. Any enrolled member of the Confederated Tribes of the Colville Reservation who is twenty-one (21) years of age of over shall be entitled to vote.

ARTICLE IV — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or official shall die, resign, be removed or recalled from office, permanently leave the Reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the Business Council shall declare the position vacant and the district affected shall elect to fill the unexpired term. (Amended by attached Amendment II).

SEC. 2. The Business Council may by majority vote expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken in the matter, such member or official shall be given a written statement of the charges against him at least five days before the meeting of the Business Council, before which he is to appear, and he shall be given an opportunity to answer any and all charges at the designated Council meeting. The decisions of the Business Council shall be final.

SEC. 3. Upon receipt of a petition signed by one-third (1/3) of the eligible voters in any district calling for the recall of any member of the Council representing said district, it shall be the duty of the Council to call an election in such recall petition. No members may be recalled in any election unless at least 40% of the legal voters of the district shall vote in such election. (Amended by attached Amendment IV).

ARTICLE V — POWERS AND DUTIES OF THE COUNCIL

SECTION 1. The Business Council shall have the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States and subject to all express restrictions upon such powers contained in this Constitution and attached Bylaws:

(a) To confer with the Commissioner of Indian Affairs or his representatives and recommend regarding the uses and disposition of tribal property to protect and preserve the tribal property, wildlife and natural resources of the Confederated Tribes, to cultivate Indian arts, crafts, and culture; to administer charity, to protect the health, security, and general welfare of the Confederated Tribes.

(b) To exclude from the restricted lands of the Reservation persons not legally entitled to reside thereon, under ordinances which may also be subject to review by the Secretary of the Interior.

(c) To recommend and help to regulate the inheritance of real and personal property, other than allotted lands, within the Colville Reservation.

(d) To regulate the domestic relations of members of the Confederated Tribes.

(e) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the Reservation, or obtaining special rights or privileges, and the same may be applied to members of the Tribes provided such ordinances have been approved by a referendum of the Confederated Tribes.

ARTICLE VI — AMENDMENTS

This Constitution and Bylaws may be amended by a majority of the qualified voters of the Confederated Tribes voting at an election called for that purpose, Provided, that the Tribal Council shall have adopted the amendment by a two-thirds (2/3) vote, but no amendment shall become effective until it shall have been approved by the Commissioner of Indian Affairs.

***

BY-LAWS OF THE CONFEDERATED TRIBES

ARTICLE I — THE BUSINESS COUNCIL

SECTION 1. Chairman of the Business Council. The Chairman of the Business Council shall preside over all meetings of the Business Council. He shall perform all duties of the Chairman and exercise authority delegated to him by the Business Council. He shall vote only in the case of a tie.

SEC. 2. Vice-Chairman of the Business Council. The Vice-Chairman of the Business Council shall assist the Chairman when called upon so to do. In the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges and duties, as well as the responsibilities of the Chairman.

SEC. 3. Secretary of the Business Council. The Secretary of the Business Council shall conduct all correspondence and keep a complete and accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes of regular and special meetings of the Business Council and the Tribes.

SEC. 4. Appointive Officers. The duties of all appointive committees and officers appointed by the Colville Business Council shall be clearly defined by resolution of the Business Council at the time of their creation or appointment. Such committees and officers shall report from time to time as required, to the Business Council, and their activities and decisions shall be subject to review by the Business Council upon petition of any person aggrieved.

ARTICLE II — TIME AND PLACE OF MEETINGS AND PROCEDURES

SECTION 1. Regular meetings of the Business Council shall be held on the second Friday of July, October, January, and April, at Nespelem, Washington, at a designated building or hall. (Amended by attached Amendment I).

Special meetings may be called by written notice, signed by the Chairman or by a majority of the Business Council members, and when so called the Business Council shall have power to transact business as in regular meetings.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of eight councilmen.

SEC. 3. Order of Business. The following order of business is established for all meetings.

1. Call to order by the Chairman
2. Roll call
3. Ascertainment of a Quorum
4. Reading of the minutes of the last meeting
5. Adoption of the minutes by a vote or common consent
6. Unfinished business
7. New business
8. Adjournment

SEC. 4. Report of Meetings. It shall be the duty of each member of the Business Council to make reports concerning the proceedings of the Business Council to the members of the district from which he is elected.

ARTICLE III — RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws shall be in full force and effect whenever a majority of the adult voters of the Confederated Tribes voting at an election called by the Commissioner of Indian Affairs, in which at least thirty percent of the eligible voters vote, shall have ratified such Constitution and Bylaws and the Commissioner of Indian Affairs shall have approved same.

***

CERTIFICATION OF ADOPTION

Pursuant to the request of a majority of the Indians of the Colville Reservation to obtain for themselves a representative organization, this Constitution and Bylaws was duly submitted by the Commissioner of Indian Affairs to the adult Indians living on the Reservation for ratification and was on February 26, 1938, duly ratified by a vote of 503 for, and 76 against, in an election in which over 30 percent of those entitled to vote case their ballots.

GUS WHITELAW
Chairman, Constitutional Committee

HARVEY K. MEYER
Superintendent, Colville Agency

***

APPROVAL

This Constitution and Bylaws, having been proposed and duly ratified by the Indians of the Colville Reservation on February 26, 1938, at a referendum called by me, is herewith approved.

JOHN COLLIER
Commissioner of Indian Affairs

Washington, D. C.
April 19, 1938

***

AMENDMENT — CONSTITUTION AND BYLAWS OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION, WASHINGTON

AMENDMENT I

That paragraph 1 of Sectionl, Article II of the Bylaws which reads as follows:

"Section 1. Regular meetings of the Business Council shall be held on the second Friday of July, October, January and April, at Nespelem, Washington, at a designated building or hall."

be amended to read:

"Section 1. Regular meetings of the Business Council shall be held on the second Thursday of July, October, January and April, at Nespelem, Washington, at a designated building or hall."

***

CERTIFICATION OF ADOPTION

Pursuant to a resolution adopted by the Colville Business Council on April 13, 1946, the foregoing Amendment I to the Bylaws of the Confederated Tribes of the Colville Reservation, Washington, was duly adopted by a two-thirds vote of the Colville Business Council, and was submitted for ratification to the qualified voters of the Confederated Tribes, and was on June 15, 1946, duly adopted by a vote of 226 for, and 14 against, in an election in which a majority of the qualified voters of the Confederated Tribes cast their ballots in accordance with Article VI of the Constitution of the Confederated Tribes of the Colville Reservation.

FRANK GEORGE
Chairman, Election Committee

WM. WADE HEAD
Superintendent, Colville Agency

***

APPROVAL

The foregoing Amendment I to the Tribal Cons titution of the Confederated Tribes of the Colville Reservation, Washington, having been proposed by the Tribal Council and duly ratified by the Indians of the Colville Reservation on June 15, 1946, at a referendum called by the Tribal Council, is herewith approved.

WILLIAM ZIMMERMAN, JR.
Acting Commissioner of Indian Affairs

Chicago, Illinois
May 8, 1947

***

AMENDMENT II

That Article IV, Section 1, Vacancies and Removal from Office, which reads as follows:

"Section 1. If a councilman or official shall die, resign, be removed or recalled from office, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the Business Council shall declare the position vacant and the district affected shall elect to fill the unexpired term."

shall be amended to read:

"Section 1. If a councilman or official shall die, resign, be removed or recalled from office, permanently leave the reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the Business Council shall declare the position vacant and appoint a member from the district affected to fill the unexpired term."

***

CERTIFICATION OF ADOPTION

Pursuant to a resolution adopted by the Colville Business Council on April 13, 1946, the foregoing Amendment II to the Constitution of the Confederated Tribes of the Colville Reservation, Washington, was duly adopted by a two-thirds vote of the Colville Business Council, and was submitted for ratification to the qualified voters of the Confederated Tribes, and was on June 15, 1946, duly adopted by a vote of 222 for, and 22 against, in an election in which a majority of the qualified voters of the Confederated Tribes cast their ballots, in accordance with Article VI of the Constitution of the Confederated Tribes of the Colville Reservation.

FRANK GEORGE
Chairman, Election Committee

WM. WADE HEAD
Superintendent, Colville Agency

***

APPROVAL

The foregoing Amendment II to the Tribal Constitution of the Confederated Tribes of the Colville Reservation, Washington, having been proposed by the Tribal Council and duly ratified by the Indians of the Colville Reservation on June 15, 1946, at a referendum called by the Tribal Council, is herewith approved.

WILLIAM ZIMMERMAN, JR.
Acting Commissioner of Indian Affairs

Chicago, Illinois
May 8, 1947

***

AMENDMENT III

There shall be added a new provision governing membership of the Confederated Tribes of the Colville Reservation which shall read as follows:

Section 1. The membership of the Confederated Tribes of the Colville Reservation shall consist of the following:

(a) All persons of Indian blood whose names appear as members of the Confederated Tribes on the official census of the Indians of the Colville Reservation as of January 1, 1937, provided that, subject to the approval of the Secretary of the Interior corrections may be made in said roll within two years from the adoption and approval of this amendment.

(b) All children possessing one-fourth or more Indian blood, born after January 1, 1937, to any member of the Confederated Tribes of the Colville Reservation maintaining a permanent residence on the Colville Indian Reservation.

(c) All children possessing one-fourth or more Indian blood, born after January 1, 1937, to any member of the Confederated Tribes of the Colville Reservation maintaining residence elsewhere in the continental United States, provided that the parent or guardian of the child indicate a willingness to maintain tribal relations and to participate in tribal affairs. To indicate such willingness to maintain tribal affiliation, the parent or guardian shall, within six months after the birth of the child, submit a written application to have the child enrolled. The application shall be accompanied by the child's birth certificate together with any other evidence as to the eligibility of the child for enrollment in the Confederated Tribes of the Colville Reservation. If the certificate and application are not filed within the designated time, the child will not be enrolled.

Section 2. The Business Council of the Confederated Tribes shall have power to prescribe rules and regulations governing future membership in the tribes, including the adoption of members and loss of membership, provided:

(a) That such rules and regulations shall be subject to the approval of the Secretary of the Interior,

(b) That no person shall be adopted who possesses less than one-fourth degree of Indian blood,

(c) That any member who takes up permanent residence or is enrolled with a tribe, band, or community of foreign Indians shall lose his membership in the Colville Tribes.

Alien Indians may be deleted from the rolls after they have been given an opportunity to be heard in their own behalf. The tribe shall also take appropriate action to correct the existing tribal roll and, if necessary, delete from the rolls alien Indians whose names appear on the rolls of the Confederated Tribes and who have abandoned tribal relations. The Colville Confederated Tribes shall not deprive anyone of vested property rights, such as allotments or inherited interests.

****

CERTIFICATION OF ADOPTION

Pursuant to a resolution adopted by the Colville Business Council on April 15, 1949, the foregoing Amendment III to the Constitution of the Confederated Tribes of the Colville Reservation, Washington, was duly adopted by a unanimous vote of the Colville Business Council, and was submitted for ratification to the qualified voters of the Confederated Tribes, and was on May 20, 1949, duly adopted by a vote of 259 for, and 114 against, in an election in which a majority of the qualified voters of the Confederated Tribes cast their ballots, in an election in which a majority of the qualified voters of the Confederated Tribes cast their ballots, in accordance with Article VI of the Constitution of the Confederated Tribes of the Colville Reservation.

ALBERT ORR
Chairman, Election Committee

C. L. GRAVES
Superintendent, Colville Agency

***

APPROVAL

The foregoing Amendment III to the Tribal Constitution of the Confederated Tribes of the Colville Reservation, Washington, having been proposed by the Tribal Council and duly ratified by the Indians of the Colville Reservation on May 20, 1949, at a referendum called by the Tribal Council, is herewith approved.

JOHN R. NICHOLS
Commissioner of Indian Affairs

Washington, D. C.
April 14, 1950

***

AMENDMENT IV

That Section 3, of ARTICLE IV, VACANCIES AND REMOVAL FROM OFFICE, which reads as follows:

"Section 3. Upon receipt of a petition signed by one-third (1/3) of the eligible voters in any district calling for the recall of any member of the Council representing said district, it shall be the duty of the Council representing said district, it shall be the duty of the Council to call an election on such recall petition. No member may be recalled unless at least 40% of the legal voters of the district shall vote in such election."

shall be amended to read:

"Section 3. By the eligible voters of any district filing with the Colville Business Council a typewritten or printed petition, signed by at least one-third

(1/3) the number of those who were eligible to vote in the last preceding election, charging that a council member representing such district has violated his oath of office or committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, a demand may be made for a recall of such council member provided the act or acts complained of are set forth in concise language and the signature of each petitioner has alongside it those of two witnesses thereto and the petitioner's postoffice address.

The Council shall, at its next meeting after the filing of such petition, determine whether the petition as files meets the requirements of this section of the Constitution and if it finds that such requirements have been complied with, shall call a special election on such recall petition, said election to be held not sooner than 30 days after the action of the Council on the petition nor more than 60 days after the date of such Council action.

The ballot to be voted on at such special election shall contain the charging part of the petition hereinabove referred to.

No member may be recalled at any such election unless at least forty percent (40%) of the eligible voters of the district shall have voted at such election and unless a majority of those voting vote in favor of recall."

***

CERTIFICATE OF ADOPTION

Pursuant to resolution No.1059-79, adopted by the Colville Business Council on February 20, 1959, the foregoing Amendment IV to the Constitution of the Confederated Tribes of the Colville Reservation, Washington, was duly adopted by a two-thirds vote of the Colville Business Council, and was submitted for ratification of the qualified voters of the Confederated Tribes, and was on May 9, 1959, duly adopted by a vote of 389 for, and 278 against, in an election in which a majority of the qualified voters of the Confederated Tribes cast their ballots, in accordance with Article VI of the Constitution of the Confederated Tribes of the Colville Reservation.

HARVEY MOSES
Chairman of the Election Board
Colville Business Council

***

APPROVAL

The foregoing Amendment IV to the Constitution of the Confederated Tribes of the Colville Reservation, Washington, on the recall of Council members, having been adopted by a two-thirds vote of the Tribal Council and approved by a majority of the qualified voters of the said Confederated Tribes on May 9, 1959, I, H. Rex Lee, Acting Commissioner of Indian Affairs, as required by Article VI of the said Constitution, do hereby approve the attached amendment, to be effective on the date of this approval.

H. REX LEE, Acting Commissioner
Bureau of Indian Affairs

DATE: July 2, 1959 Washington, D.C.

***

AMENDMENT V

There shall be added to AMENDMENT III, MEMBERSHIP OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION, a new provision governing membership of the said tribes which shall read as follows:

"Section 3. After July 1, 1959, no person shall be admitted to membership in the Confederated Tribes of the Colville Reservation unless such person possesses at least one-fourth (1/4) degree blood of the tribes which constitute the Confederated Tribes of the Colville Reservation."

***

CERTIFICATE OF ADOPTION

Pursuant to resolution No. 1959-79, adopted by the Colville Business Council on February 20, 1959, the foregoing Amendment V to the Constitution of the Confederated Tribes of the Colville Reservation, Washington, was duly adopted by a two-thirds vote of the Colville Business Council, and was submitted for ratification of the qualified voters of the Confederated Tribes, and was on May 9, 1959, duly adopted by a vote of 380 for, and 323 against, in an election in which a majority of the qualified voters of the Confederated Tribes cast their ballots, in accordance with Article VI of the Constitution of the Confederated Tribes of the Colville Reservation.

HARVEY MOSES
Chairman of the Election Board
Colville Business Council

***

APPROVAL

The foregoing Amendment V to the Constitution of the Confederated Tribes of the Colville Reservation, Washington, on the degree of blood required for membership in the future, having been adopted by a two-thirds vote of the Tribal Council and approved by a majority of the qualified voters of the said Confederated Tribes on May 9, 1959, I, H. Rex Lee, Acting Commissioner of Indian Affairs, as required by Article VI of the said Constitution, do hereby approve the attached amendment, to be effective on the date of this approval.

H. REX LEE
Acting Commissioner
Bureau of Indian Affairs

DATE: July 2, 1959
Washington, D. C.

***

CORPORATE CHARTER OF THE KALISPEL INDIAN COMMUNITY

OF THE KALISPEL RESERVATION, WASHINGTON

Ratified May 28, 1938

Whereas, the Kalispel Indian Community of the Kalispel Reservation in the State of Washington constitutes a recognized Indian tribe organized under a constitution and by-laws adopted by the members of the Kalispel Band of Indians on February 26, 1938, and approved by the Secretary of the Interior on March 24, 1938, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Community have petitioned that a charter of incorporation be granted to such Community, subject to ratification by a vote of the adult Indians living on the reservation:

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Kalispel Indian Community of the Kalispel Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least 30 per cent of the elgible voters vote.

1. Corporate Existence. In order to further the economic development of the Kalispel Indian Community of the Kalispel Reservation in the State of Washington by conferring upon the said Community certain corporate rights, powers, privileges and immunities; to secure for the members of the Community an assured economic independence; and to provide for the proper exercise by the Community of various functions heretofore performed by the Department of the Interior, the aforesaid Kalispel Indian Community is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Kalispel Indian Community of the Kalispel Reservation."

2. Perpetual Succession. The Kalispel Indian Community of the Kalispel Reservation shall, as a Federal corporation, have perpetual succession.

3. Membership. The Kalispel Indian Community of the Kalispel Reservation shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Community, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Kalispel Community Council established in accordance with the said Constitution and By-laws of the Kalispel Indian Community, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Kalispel Indian Community, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Kalispel Indian Community, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Community of any land or interests in land, including mineral rights, now or hereafter held by the Community within the boundaries of the Kalispel Indian Reservation.

(2) No leases or permits (which terms shall not include land assignments to members of the Community) or timber sale contracts covering any land or interests in land now or hereafter held by the Kalispel Indian Community within the boundaries of the Kalispel Reservation shall be made by the Community for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Community which in any way operates to destroy or injure the Community grazing lands, timber or other natural resources of the Kalispel Indian Reservation. All leases, permits or timber sale contracts relating to the use of Community grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range-carrying capacity, sustained yield forestry management and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit or contract whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Community, and to use such funds directly for the productive Community enterprises, or to loan money thus borrowed to individual members or associations of members of the Community: Provided, That the amount of indebtedness to which the Community may subject itself, aside from loans from the Indian Credit Fund, shall not exceed $3.000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Community or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Washington for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of $300 in any one fiscal year shall be subject to the approval of the Secretary of the

Interior or his duly authorized representative.

(g) To pledge or assign chattels or future income due or to become due to the Community: Provided, That no such assignment of Community income, other than an assignment to the United States, shall extend more than ten years from the date of execution nor amount for any one year to more than one-half of the net tribal income from any one source: And provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing Officer of the United States to the credit of the Community.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Community or by the United States to the levy of any judgment, lien or attachment upon the property of the Kalispel Indian Community other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request by the Kalispel Community Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Community. The termination shall be effective upon ratification by a majority vote of the adult members of the Community residing on the Reservation, at an election in which at least 30 per cent of the eligible voters vote. If at any time after ten years from the date of ratification of this Charter such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary or by the Community Council to popular referendum of the adult members of the Community actually living within the Reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Kalispel Indian Community shall be in any way impaired by anything contained in this Charter, and the Community ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Community shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Community shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Community may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Community and may distribute per capita, among the recognized members of the Community, all income of the Community over and above sums necessary

to defray corporate obligations to members of the Community or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Community shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Community shall maintain accurate and complete public accounts of the financial affairs of the Community, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Community to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Community Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Kalispel Indian Community living on the Kalispel Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Northern Idaho Consolidated Agency and the Chairman and Secretary of the Kalispel Community Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Kalispel Indian Community of the Kalispel Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D. C., April 19, 1938.

***

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on April 19, 1938 by the Assistant Secretary of the Interior to the Kalispel Indian Community of the State of Washington, was duly submitted for ratification to the adult Indians living on the reservation and was on May 28, 1938 duly ratified by a vote of 21 for, and 1 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

ANTOINE PEUSE,
Chairman of the Kalispel Community Council.
FRANK NICK,
Secretary of the Kalispel Community Council.

A. G. WILSON,
Superintendent, Northern Idaho Consolidated Agency.

***

CONSTITUTION AND BY-LAWS OF THE KALISPEL INDIAN COMMUNITY OF THE KALISPEL RESERVATION [WASHINGTON]

Approved March 24, 1938

PREAMBLE

We, the Kalispel Band of Indians of the Kalispel Reservation in the State of Washington, in order to establish a legal tribal organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, do hereby ordain and establish this Constitution and By-Laws.

ARTICLE I — TERRITORY

The jurisdiction of the Kalispel Indian Community shall extend to the territory within the confines of the Kalispel Reservation, as established by Executive Order dated March 23, 1914, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Kalispel Indian Community shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Kalispel Indians as of April 1, 1935: Provided, That such roll may be corrected within one year after approval of this Constitution and By-Laws by the Kalispel Community Council with the approval of the Secretary of the Interior.

(b) All children born to any member of the Kalispel Indian Community who is a resident of the Kalispel Reservation at the time of the birth of said children.

SEC. 2. The Community Council shall have the power to promulgate ordinances subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, but new members may be adopted only when the resources of the Kalispel Reservation are such as to justify the admission of new members.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Kalispel Indian Community shall be the Community Council, which shall be composed of all the qualified voters of the Community. A majority of the eligible voters shall constitute a quorum.

SEC. 2. All enrolled members of the Kalispel Indian Community who are 21 years of age or over, and who have maintained legal residence in the Community for a period of one year immediately prior to any election, are qualified voters in such election.

SEC. 3. The Community Council shall elect from its members by secret ballot (a) a Chairman, (b) a Vice-chairman, (c) a Secretary, (d) a Treasurer, and (e) such

other officers and committees as may be deemed necessary.

SEC. 4. Regular meetings of the Community Council shall be held on the first Tuesday of each quarter at a designated building or hall where official records shall be kept.

SEC. 5. Within 30 days after the ratification and approval of this Constitution and By-laws, a Community Council meeting shall be held for the purpose of electing the officers named herein, and the Council may transact such other business as may be necessary. The officers elected at this meeting shall serve until the July meeting in 1938, at which time their successors shall be chosen. Thereafter, officials shall be chosen at the July meeting.

SEC. 6. The Chairman, or 25 per cent of the qualified voters, may by written notice, call special meetings of the Community Council.

SEC. 7. The Business Committee shall consist of the Chairman, Secretary and Treasurer of the Community Council, and shall perform such duties as may be authorized by that Council.

ARTICLE IV — POWERS OF THE COMMUNITY COUNCIL

SECTION 1. Enumerated Powers.—The Community Council of the Kalispel Indian Community shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other Community assets of the Kalispel Indian Community.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Kalispel Indian Community prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Kalispel Indian Community in accordance with the terms of a charter that may be issued to the members of the Community by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Kalispel Indian Community, providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of taxes and the appropriation of available tribal funds for public purposes; providing for the licensing of nonmembers coming upon the reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Kalispel Indian Community of persons not so licensed, and establishing proper agencies for the enforcement of such ordinances upon the Kalispel Reservation.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards of officials of the Kalispel

Indian Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(h) To adopt resolutions not inconsistent with this Constitution and By-laws, regulating the procedure of the Community Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Kalispel Indian Community, and exercising such duties as are conferred upon the Council by the attached By-laws.

SEC. 2. Future Powers.—The Community Council may exercise such further powers as may in the future be delegated to the Council by members of the Community or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal government.

SEC. 3. Reserved Powers.—Any rights and powers heretofore vested in the Kalispel Band of Indians of the Kalispel Reservation but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the members of the Community through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of Review.—Any resolution or ordinance, which, by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent in charge of the reservation, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Community Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Community Council for his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE V — LAND

SECTION 1. Allotted Lands.—Allotted lands, including heirship lands, within the Kalispel Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law, such lands may be condemned for public purposes, such as roads, public buildings or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington, or of the Federal government, or by the Kalispel Indians themselves. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Kalispel Indian Community. Likewise, it is recognized that under existing law, the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may with the approval of the

Secretary of the Interior, voluntarily convey his land to the Kalispel Indian Community, either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Community Land.—The unallotted lands of the Kalispel Reservation, and all lands which may hereafter be acquired by the Kalispel Indian Community or by the United States in trust for the Community, shall be held as Community lands, and no part of such land shall be mortgaged or sold. Community lands shall not be allotted to individual Indians but may be assigned to members of the Community, or leased, or otherwise used by members of the Community as hereinafter provided.

SEC. 3. Leasing of Community Lands.—Community lands may be leased by the Business Committee, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law. In the leasing of the Community lands, preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Kalispel Indian Community.

SEC. 4. Grant of Standard Assignments.—In any assignment of Community lands which are now owned by the Kalispel Indian Community or which hereafter may be acquired for the Community by the United States or purchased by the Kalispel Indian Community out of Community funds, preference shall be given, first to heads of families which are entirely landless, and secondly, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than an economic unit of agricultural land or other land or interest in land of equal value.

No member of the Kalispel Indian Community who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Business Committee may, if it sees fit, charge a fee not to exceed $5.00, on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as standard assignments.

SEC. 5. Tenure of Standard Assignments.—If any member of the Kalispel Indian Community holding a standard assignment of land shall, for a period of two years fail to use the land so assigned, or use such land for any unlawful purposes, his assignment may be cancelled by the Business Committee, after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this Article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Community who would be eligible to receive a standard assignment.

SEC. 6. Grant of Exchange Assignments.—Any member of the Kalispel Indian Community who owns any restricted or unrestricted land or any interest therein may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land to the Community in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as exchange assignments.

SEC. 7. Leasing of Exchange Assignments.—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Kalispel Indian Community, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 8. Inheritance of Exchange Assignments.—Upon the death of the holder of any exchange assignments, his interest shall be reassigned by the Business Committee to his heirs, or devisees, subject to the following conditions:

(a) Such land may not be reassigned to any heir or devisee who is not a member of the Kalispel Indian Community, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than an economic unit of grazing land or other land or interest in lands of equal value, to be determined from time to time by the Business Committee.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 160 acres, and no area of agricultural land shall be subdivided into units smaller than ten acres except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Business Committee shall issue to each heir or devisee an interest in tribal land or property of the same value as his interest in the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this Article.

SEC. 9. Inheritance of Improvements.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Kalispel Indian Community, or otherwise disposed of under such regulations as the Business Committee shall provide. No permanent improvements shall be removed from the land without the consent of the Business Committee.

SEC. 10. Exchange of Assignments.—Assignments may be exchanged between members of the Community by common consent in such manner as the Business Committee shall designate.

SEC. 11. Use of Unassigned Community Land.—Community land which is not assigned, including Community timber reserves, shall be managed by the Business Committee for the benefit of the members of the Kalispel Indian Community, and any cash income derived from such land shall accrue to the benefit of the Community as a whole. All action of the Business Committee with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by section 6 of the Act of June 18, 1934.

SEC. 12. Purchase of Land by Community.—Community funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Kalispel Reservation or adjacent to the boundaries thereof which is not now in Indian ownership, may be purchased by or for the Kalispel Indian Community.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the Kalispel Indian Community, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment thereof to be made as may be agreed upon.

(c) Land owned by any member of the Community who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the Kalispel Indian Community in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available Community funds.

(d) Land owned by any member of the Community in excess of 80 acres of agricultural land or a proportionate area of other land may be purchased by the Kalispel Indian Community with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Community who desires to leave the Community permanently may be purchased by the Kalispel Indians under such terms as may be agreed upon.

SEC. 13. Method of Making Assignments.—Application for assignments shall be filed with the Secretary of the Business Committee and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places within the Community for not less than 20 days before action is taken by the Business Committee. Any member of the Kalispel Indian Community wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections to be filed with the Secretary of the Business Committee and may, if he so desires, appear before the Business Committee to present evidence. The Secretary of the Business Committee shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Business Committee upon applications for assignments of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Community. The Business Committee shall draw up one or more forms for standard assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE VI — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Kalispel Indian Community voting at an election called for that purpose by the Secretary of the Interior: Provided, That at least 30 per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon presentation of a petition signed by 20 eligible voters of the Community.

***

BY-LAWS OF THE KALISPEL INDIAN COMMUNITY
OF THE KALISPEL RESERVATION

ARTICLE I —DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the Chairman to preside over all meetings of the Community Council and to carry out all proper orders of the Council. All members of the Community Council and all subordinate officers shall assist the Chairman in all proper ways to carry out the orders of the Council.

SEC. 2. The Council Secretary shall keep a full report of all proceedings of each regular and special meeting of the Community Council and of the Business Committee and shall perform such other duties of like nature as the Council shall from time to time by resolution provide and shall transmit copies of the minutes of each meeting to the Superintendent in charge of the reservation.

SEC. 3. The Council Treasurer shall be the custodian of all moneys which come under the jurisdiction or into the control of the Community Council. He shall pay out money only in accordance with orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be required to furnish a bond satisfactory to the Community Council and the Commissioner of Indian Affairs in an amount which the Community Council may by resolution provide. The books of the Council Treasurer shall be subject to audit or inspection at the direction of the Community Council or the Commissioner of Indian Affairs. Until the Council Treasurer is bonded, the Business Committee may make such provisions for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 4. The subordinate officers of the Community Council shall perform such duties as the Council may from time to time provide by resolution.

SEC. 5. The order of business at any regular or special meeting of the Council shall be as follows:

1. Council called to order.
2. Roll Call.
3. Reading of minutes of previous meeting.
4. Reports of Committees.
5. Report of Council Treasurer
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE II — PROPERTY REGULATIONS

It shall be the duty of the Community Council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the Kalispel Reservation and to see that such rules and regulations are properly enforced.

ARTICLE III — PUBLIC WELFARE

SECTION 1. Community Welfare.—(a) The Community Council shall determine in a careful manner what constitutes just cause for aid or assistance to the indigent

members of the Kalispel Indian Community, and shall make proper provisions for recommendation to proper agencies of individuals needing relief.

(b) The Community Council shall designate persons who shall administer welfare work among members of the Community, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. The Community Council thereby shall render assistance or aid to the aged, the physically handicapped, and to all others in actual need of assistance.

SEC. 2. Education.—The Community Council shall encourage and promote among the members of the Community by every practical means, a proper system of education for members of all ages in such subjects as Home Economics, Hygiene, Child Care and Training, etc., cooperating with State and Federal departments and agencies which seek to promote such work.

ARTICLE IV — ORDINANCES AND RESOLUTIONS

SECTION 1. All ordinances and resolutions shall be recorded and available at all times for the information and education of the Kalispel Indians.

SEC. 2. Every ordinance shall begin with the words: "Be it enacted by the Community Council of the Kalispel Indian Community * * *."

SEC. 3. Every resolution shall begin with the words: "Be it resolved by the Community Council of the Kalispel Indian Community * * *."

ARTICLE V — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when adopted by a majority vote of the voters of the Kalispel Band of Indians of the Kalispel Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved January 21, 1938 by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the members of the Kalispel Band of Indians of the Kalispel Reservation and was on February 26, 1938 duly approved by a vote of 33 for, and none against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

ANTOINE PEUSE,
Chairman, Election Board.
FRANK NICK,
Secretary, Election Board.

A.G. WILSON,
Superintendent, Northern Idaho Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Kalispel Indian Community of the Kalispel Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Kalispel Indian Community of the Kalispel Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended March 18, 1938.

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D. C., March 24, 1938.

***

CONSTITUTION AND BY-LAWS OF THE LUMMI TRIBE OF THE LUMMI RESERVATION, WASHINGTON

Approved April 2, 1948

[The Lummi Constitution and By-Laws are undergoing revision.]

PREAMBLE

We, the members of the Lummi Tribe of Indians of the Lummi Reservation in the State of Washington, in order to form a tribal organization and promote our common welfare, do hereby establish this Constitution and By-Laws.

ARTICLE I — PURPOSE

Our purpose shall be to promote and protect the interests of the Lummi Indians and to preserve peaceful and cooperative relations among the members of the Lummi Tribe, to cooperate with the Office of Indian Affairs, officers and appointees.

ARTICLE II — MEMBERSHIP

SECTION 1. Membership of the Lummi Tribe shall consist of:

(a) All persons of Indian blood whose names appear upon the January 1, 1947 official census roll of the Lummi Tribe on file at the Tulalip Indian Agency, Tulalip, Washington, and any children born to any member of the Lummi Tribe who is a resident of the reservation at the time of the birth of said child;

(b) All other persons of Indian blood now resident upon the Lummi Reservation who are accepted by the General Council as members of the Lummi Tribe.

SEC. 2. Within a period of five years from the time that the constitution and by-laws takes effect corrections may be made in the membership roll by the Lummi Business Council with the approval of the Secretary of the Interior.

SEC. 3. The Lummi Business Council shall have the power to enact resolutions or ordinances subject to the approval of the Secretary of the Interior governing adoption and abandonment of membership.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Lummi Tribe shall be a Business Council of eleven members elected by popular vote of the adult members of the tribe.

SEC. 2. The term of office of each councilman shall be three years unless otherwise provided herein.

SEC. 3. The Business Council so organized shall elect from within its own number (1) a Chairman, (2) a Vice-Chairman, (3) a Secretary, and (4) a Treasurer, and may appoint or employ such other officers or committees as may be deemed necessary.

SEC. 4. All enrolled or otherwise recognized members of the Lummi Reservation twenty-one (21) years of age or over who have maintained legal residence in Whatcom County, Washington, for a period of sixty days immediately prior to any election are qualified voters at such election and shall be qualified to hold office after one year's residence upon the Lummi Reservation. Such residence, however, shall not be required as qualification for voting upon amendments to the Constitution and By-laws.

SEC. 5. After the ratification and approval of this Constitution and By-laws, the first Business Council under this Constitution shall be the present Council, who shall cast lots in order that the terms of office of the present members can be determined for one, two or three years, after which three councilmen shall be elected the first week in January of each year.

ARTICLE IV — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other official shall die, resign, be removed or recalled from office, permanently leave the Reservation or be found guilty of a felony or a misdemeanor involving dishonesty in any Indian, State or Federal court, the Business Council shall declare the position vacant and shall call a special election to fill the unexpired term.

SEC. 2. The Business Council, may, by a majority vote, expel any councilman or officer for neglect of duty and gross misconduct. Before any vote for expulsion is taken in the matter, such member or official shall be given a written statement of the charges against him at least ten days before the meeting of the Business Council, before which he is to appear. He shall be given an opportunity to answer any and all charges at the designated Council meeting. The decision of the Business Council shall be final.

SEC. 3. Any councilman who shall absent himself from three successive meetings without being excused for cause, shall forfeit all rights to his office.

ARTICLE V — POWERS AND DUTIES OF THE BUSINESS COUNCIL

SECTION 1. The Business Council shall have the following powers, subject to any limitation imposed by Federal Statutes or by the Constitution of the United States:

(a) To administer all tribal property by ordinance subject to the approval of the Commissioner of Indian Affairs;

(b) To borrow money, subject to the approval of the Commissioner of Indian Affairs, from the Indian credit fund or from any other governmental agency, and to pledge or assign future tribal income as security for such loans;

(c) To collect and expend any Lummi tribal funds within the exclusive control of the Tribe, and to recommend the expenditure of any other tribal funds;

(d) To purchase in the name of the Lummi Indian Tribe any land or other property the Council may deem beneficial to said Lummi Indian Tribe;

(e) To enforce approved regulations for the protection of tribal property, wild life and natural resources of the Lummi Tribe;

(f) (1) To provide assessments or license fees upon non-members doing business or obtaining special privileges within the reservation, subject to the approval of the Commissioner of Indian Affairs;

(2) To promulgate and enforce assessments or license fees upon members exercising special privileges or profiting upon general resources of the reservation;

(g) To negotiate with the Federal, State and local governments on behalf of the tribe;

(h) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the tribe and of the Commissioner of Indian Affairs;

(i) To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets;

(j) To exclude from the restricted land of the Lummi Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to the approval of the Commissioner of Indian Affairs;

(k) To promulgate and enforce ordinances, which shall be subject to the approval of the Commissioner of Indian Affairs, governing the conduct of members of the Lummi Tribe, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers;

(l) To safeguard and promote the peace, safety, morals, and general welfare of the Lummi Reservation by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting non-members of the Lummi Tribe shall be subject to the approval of the Commissioner of Indian Affairs;

(m) To adopt resolutions regulating the procedure of the Business Council itself and subordinate tribal organizations and tribal officials over whom it has jurisdiction;

(n) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

SEC. 2. Future Powers. The Lummi Business Council may exercise such further powers as may in the futre be delegated to the Council.

SEC. 3. Reserved Powers. Any rights and powers heretofore vested in the tribe but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Lummi Reservation through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of review by the general council. The Chairman of the Lummi Business Council shall call a general council annually on election day, at which time he shall report in detail to the council what has been done during the past year and set forth the plans of the Council for the coming year. This shall be freely discussed by the general council and the wishes of the general council may be expressed by resolution or ordinance which shall govern the future action of the Lummi Business Council, or repeal or amend any past action of the Council, as of

the date of such repeal or amendment.

The chairman shall call special meetings of the general council upon the written request of twenty (20) voters.

ARTICLE VI — AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Lummi Tribe voting at an election called for that purpose. It shall be the duty of the Commissioner of Indian Affairs to call an election upon the request of two-thirds (2/3) vote of the Business Council or upon receipt of a petition signed by thirty eligible voters of the tribe.

***

BY-LAWS OF THE LUMMI TRIBE

ARTICLE I — THE BUSINESS COUNCIL

SECTION 1. The Chairman of the Business Council. The Chairman of the Business Council shall preside over all meetings of the Tribe, he shall perform all duties of the Chairman and exercise any authority delegated to him by the Business Council, and he shall vote only in the case of a tie.

SEC. 2. Vice-Chairman of the Business Council. The Vice-Chairman of the Business Council shall assist the Chairman when called upon to do so. In the absence of the Chairman, he shall preside, and when so presiding, shall have all the rights, privileges and duties, as well as the responsibilities of the Chairman.

SEC. 3. Secretary of the Business Council. The Secretary of the Business Council shall conduct all correspondence and keep a complete and accurate record of all matters transacted at council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of all minutes of regular and special meetings of the Business Council.

SEC. 4. Treasurer of the Business Council. The Treasurer of the Business Council shall be the custodian of all moneys which may come into the control of the Council. He shall pay out money when duly authorized and instructed by the Business Council. He shall keep an account of all receipts and disbursements, and shall report same to the Business Council at each regular meeting.

The books of the Treasurer shall be subject to audit or inspection at the direction of the Business Council.

The Business Council may make such provisions for the custody and disbursement of funds as shall guarantee their safe and proper disbursement and use.

SEC. 5. Appointive Officers. The duties of all appointive committees and officers appointed by the Business Council at the time of their creation or appointment. Such committees or officers shall report from time to time, as required, to the Business Council, and their activities and decisions shall be subject to review by the Business Council upon the petition of any person aggrieved.

ARTICLE II — TIME AND PLACE OF MEETINGS AND PROCEDURE

SECTION 1. Regular meetings of the Business Council shall be held on the first Friday of each month in the Library of the Lummi Reservation School. Special meetings may be called by written notice signed by the Chairman or by a petition signed by a majority of council members, or by a petition signed by ten percent (10%) or more of legal voters, and when so called, the Business Council shall have power to transact business as in a regular meeting.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of six (6) members of the Council, or a majority of the Council membership.

SEC. 3. Order of Business. The following order of business is established for all meetings: (Robert's Rules of Order).

1. Call to order by Chairman
2. Roll call
3. Ascertainment of a quorum
4. Reading of the Minutes of the last meeting
5. Adoption of minutes by a vote or common consent
6. Unfinished business
7. New business
8. Informal duscussion of local business
9. Adjournment.

ARTICLE III — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws shall be in full force and effect whenever a majority of the adult voters of the Lummi Tribe voting in an election called for that purpose by the Commissioner of Indian Affairs in which at least thirty percent (30%) of the eligible voters, shall have ratified such Constitution and By-laws, and the Commissioner of Indian Affairs shall have approved same.

***

CERTIFICATE OF ADOPTION

Pursuant to an order approved on November 13, 1947, by the Acting Commissioner of Indian Affairs, the attached Constitution and Bylaws was submitted for ratification to the members of the Lummi Tribe of the Lummi Reservation, Washington, and was on January 2, 1948, duly approved by a vote of 134 for, and 3 against, in an election in which over thirty percent of those entitled to vote cast their ballots in accordance with Article III of the Bylaws.

GEORGE JAMES
Chairman, Election Board.
FLORENCE H. KINLEY
Secretary, Election Board
HELENA JEFFERSEN
Election Board Member

F. A. GROSS
Superintendent, Tulalip Agency

***

APPROVAL

This Constitution and By-laws, having been proposed and duly ratified by members of the Lummi Tribe of the Lummi Reservation in the State of Washington, on January 2, 1948, at a referendum duly called by the Acting Commissioner on Indian Affairs is herewith approved.

JOHN H. PROVINSE
Assistant Commissioner of Indian Affairs

Washington, D. C., April 2, 1948.

[SEAL]

***

CORPORATE CHARTER OF THE MAKAH INDIAN TRIBE OF THE MAKAH INDIAN RESERVATION, WASHINGTON

Ratified February 27, 1937

Whereas, the Makah Indian Tribe of the Makah Indian Reservation in the State of Washington constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the members of the Makah Tribe of April 18, 1936, and approved by the Secretary of the Interior on May 16, 1936, pursuant to section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this Charter of Incorporation to the Makah Indian Tribe of the Makah Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least 30 per cent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Makah Indian Tribe of the Makah Reservation in the State of Washington by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Makah Indian Tribe."

2. Perpetual Succession. The Makah Indian Tribe shall, as a Federal corporation, have perpetual succession.

3. Membership. The Makah Indian Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly rafified and approved Constitution and By-laws.

4. Management. The Makah Indian Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water power sites, now or hereafter held by the Tribe.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Makah Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber-sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Makah Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Makah Reservation. All leases, permits and timber-sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber-sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian credit fund in accordance with the terms of section 10 of the act of June 18, 1934, (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian credit fund, shall not exceed $3,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Washington, including agreements with the State of Washington for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of $300 in any one fiscal year shall be subject to the approval of the Secretary of the Interior of his duly

authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That such agreements of pledge or assignment shall not extend more than five years from the date of execution and shall not amount for any one year to more than one-half the net tribal income in the preceding year: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any National or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the postal savings bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien, or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Makah Indian Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5(f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the reservation, at an election in which at least 30 per cent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation, and if the termination is approved by two-thirds of the eligible voters it shall be effective.

7. Corporate Property. No property rights of the Makah Indian Tribe shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities without such owner's consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe, and may distribute in the form of special per capita benefits, such as pensions for the old and disabled, death, hospital and sick benefits, as well as for any special needs that may develop, among the recognized members of the Tribe, such income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons, and over and above all sums which may be devoted to the establishment of a reserve fund, the construction

of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolution of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the elgible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Makah Indian Tribe living on the Makah Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the superintendent of the Taholah Agency and the chairman and secretary of the Makah Indian Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Makah Indian Tribe of the Makah Reservation in a popular referendum to be held on February 27, 1937.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D.C., February 8, 1937.

***

CERTIFICATION

Pursuant to section 17 of the act of June 18, 1934 (48 Stat. 984), this Charter, issued on February 8, 1937, by the Secretary of the Interior to the Makah Indian Tribe of the Makah Indian Reservation, was duly submitted to the adult Indians living on the Reservation and was on February 27, 1937, duly ratified by a vote of 75 for and 2 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

FRANK SMITH,
Chairman, Makah Indian Tribal Council.
LA VERNE ULMER,
Secretary, Makah Indian Tribal Council.

NELS O. NICHOLSON,
Superintendent, Taholah Agency.

***

CONSTITUTION AND BY-LAWS OF THE MAKAH INDIAN TRIBE

OF THE MAKAH INDIAN RESERVATION, WASHINGTON

Approved May 16, 1936

PREAMBLE

We, the members of the Makah Indian Tribe, in order to establish a more perfect tribal organization, promote the general welfare, conserve and develop our land, timber, and other resources, and secure to ourselves and our posterity the power to exercise certain rights of home rule, not inconsistent with the Federal, State, and local laws, do ordain and establish this constitution for the Makah Indian Tribe of the Makah Indian Reservation, of the State of Washington.

ARTICLE I — TERRITORY

The jurisdiction of the Makah Indian Tribe shall extend to the territory within the confines of the Makah Indian Reservation boundaries as established in the treaty of January 31, 1855, and by Executive orders made pursuant thereto, and to such other lands as may be hereafter added thereto.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Makah Indian Tribe shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the tribe as of April 1, 1935.

(b) All children born to any member of the Makah Indian Tribe who is a resident of the reservation at the time of the birth of said child.

(c) Persons of Makah Indian blood who may hereafter be adopted as tribal members by order of the tribe.

SEC. 2. The tribal council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members. Property rights shall not be changed by any action under this section.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Makah Indian Tribe shall consist of a council known as the Makah Indian tribal council.

SEC. 2. This council shall consist of five members, duly elected to serve 3 years, except as provided in section 4, two members being elected each year except that every third year, one shall be elected.

SEC. 3. The council so organized shall elect from within its own number (1) a chairman; (2) a vice chairman; and from within or without (3) a secretary, and (4) a treasurer; and may appoint or employ such other officers or committees as may be deemed necessary.

SEC. 4. The present tribal council within 60 days after the ratification and approval of this constitution, shall call a general tribal meeting for the election of officers in accordance with this constitution. The two candidates receiving the highest number of votes shall hold office until December 1938. The two candidates receiving the next highest number of votes shall hold office until December 1937, and the next highest until December 1936. Thereafter, the term of office for councilmen elected under this constitution shall be 3 years. After the first election, elections for the tribal council shall be held on the last Monday in December.

ARTICLE IV — ELECTIONS FOR THE TRIBAL COUNCIL

SECTION 1. Any member of the tribe 21 years of age or over who has maintained a legal residence on the reservation for 1 year immediately preceding any election shall be entitled to vote or be elected to office therein.

SEC. 2. Any legal voter shall be eligible to serve as a member of the council.

SEC. 3. All elections shall be by secret ballot and shall be held in accordance with rules and regulations prescribed by the tribal council, or by an election board appointed by the tribal council.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a council member shall die, resign, or permanently leave the reservation, or be removed from office for cause, the council shall declare the position vacant and appoint a successor to serve until the annual general tribal meeting in December, at which time the general tribal meeting shall elect a successor for the unexpired term.

SEC. 2. The tribal council may, by a four-fifths vote of its total membership, expel any member for neglect of duty or gross misconduct, provided such charges are in writing, subscribed by competent witnesses and formally served upon the accused at least 5 days prior to the hearing. The accused member shall be given a full and fair opportunity to reply to any and all such charges against himself, and also the opportunity to summon witnesses in his behalf.

SEC. 3. Upon a petition of at least one-third of the eligible voters of the Makah Indian Tribe it shall be the duty of the tribal council to call a special election to consider the recall of the member or members of the council named in such petition. In the event that a majority of those voting in such election favor such recall from office, the office shall be declared vacant and the tribal council shall proceed in the usual manner to hold an election to fill the said vacancy.

ARTICLE VI — POWERS OF THE TRIBAL COUNCIL

SECTION 1. The tribal council shall exercise the following powers, subject to any limitations imposed by the Federal statutes, the Constitution of the United States, and subject further to all express restrictions upon such powers provided in this constitution and bylaws.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the tribe and its members.

AA

(b) To employ legal counsel for the protection and advancement of the rights of the tribe and its members, the choice of such counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or incumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of Government, provided that no tribal lands shall ever be sold or incumbered except for governmental purposes, or leased for a period exceeding 5 years, except that leases for mining purposes may be made for such longer periods as may be authorized by law.

(d) To advise with the Secretary of the Interior or his representatives on all appropriation estimates, or Federal projects for the benefit of the tribe prior to their submission to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the tribe, in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.

(f) To levy and collect taxes upon members of the tribe, or to require the performance of community labor in lieu thereof, provided that no taxes may be levied, nor community labor required, except when approved at the annual December general tribal meeting, or at a special general tribal meeting called for that purpose.

(g) To levy and collect taxes or license fees upon nonmembers doing business on the reservation, to exclude from the territory of the tribe persons not legally entitled to reside thereon, or trespassers upon the reservation, under ordinances, all of which shall be subject to review by the Secretary of the Interior.

(h) To enact resolutions or ordinances not inconsistent with article II of this constitution, governing adoption and abandonment of membership, and to keep at all times a correct roll of the members of the Makah Indian Tribe.

(i) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Makah Indian Tribe, and providing for the maintenance of law and order, and the administration of justice by establishing a reservation Indian court, and defining its duties, powers, and limitations.

(j) To safeguard and promote the peace, safety, morals, and general welfare of the Makah Indian Tribe by regulating the conduct of trade and the use and disposition of property upon the reservation: Provided, That any ordinances directly affecting nonmembers of the tribe shall be subject to review by the Secretary of the Interior.

(k) To charter subordinate organizations for economic purposes, and to regulate the activities of cooperative associations of members of the Makah Indian Tribe by ordinance: Provided, That any such ordinance shall be subject to review by the Secretary of the Interior.

(l) To appropriate for public purposes of the tribe any available tribal funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(m) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(n) To adopt resolutions regulating the procedure of the council itself and other tribal agencies and tribal officials of the reservation.

(o) To delegate to subordinate boards, or to cooperative asscciations which are open to all members of the tribe, any of the foregoing powers, reserving the right to review any action taken by such body to whom such power has been delegated.

SEC. 2. Manner of review.—Any resolution or ordinance which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation who shall, within 10 days thereafter, approve or disapprove the same. If the superintendent shall approve said ordinance or resolution it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the tribal council of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him within 10 days after its enactment, he shall advise the Makah tribal council of his reasons therefor. If these reasons appear to the council insufficient, it may by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Further powers.—The Makah Indian tribal council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved powers.—Any rights or powers heretofore vested in the Makah Indian Tribe but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Makah Indian Tribe through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. Suffrage.—All members of the tribe over the age of 21 shall have the right to vote in all tribal elections. The residence qualifications established by article IV of this constitution shall apply to all elections except elections for the amendment of this constitution and bylaws.

SEC. 2. Economic right.—All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil liberties.—All members of the tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of accused.—Any member of the Makah Indian Tribe accused of any offense shall have the right to a prompt, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than 30 days' imprisonment or by more than $45 fine.

Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII -- LAND

SECTION 1. Allotted Lands.--Allotted lands, including heirship lands, within the Makah Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Makah Indian Tribe. Likewise it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in the constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Makah Indian Tribe either in exchange for a money payment or in exchange for an assignment covering the same land, or other land, as hereinafter provided.

SEC. 2. Tribal lands.--The unalloted lands of the Makah Reservation, and all lands which may hereafter be acquired by the Makah Indian Tribe or by the United States in trust for the Makah Indian Tribe shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Makah Indian Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Leasing of tribal lands.--Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations of members of the tribe; and secondly, to individual Indians who are members of the Makah Indian Tribe.

SEC. 4. Grant of standard assignments.--In any assignment of tribal lands which now are owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless; and secondly, to heads of families which shall have no allotted lands or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land or other land or interest in land of equal value.

No allotted member of the Makah Indian Tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated except to the tribe shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of not to exceed $5 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as standard assignments.

AM

SEC. 5. Tenure of standard assignments.—If any member of the tribe holding a standard assignment of land shall, for a period of 2 years fail to use the land so assigned or use such land for any unlawful purpose, his assignment may be canceled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Makah Indian Tribe who would be eligible to receive a standard assignment.

SEC. 6. Grant of exchange assignments.—Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interests in such land to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange assignments."

SEC. 7. Leasing of exchange assignments.—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations of members of the tribe to individual members of the tribe, or, if no individual Indian or Indian cooperative association of members is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-members in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments.—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Makah Indian Tribe, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than an economic unit of land to be determined from time to time by the tribal council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of uncleared or timber land shall be subdivided into units smaller than 40 acres, and no area of tillable agricultural land shall be subdivided into units smaller than 2 1/2 acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council may issue to the eligible heirs or devisees interests in tribal lands of the same value as the assignment of the decendent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Makah Indian Tribe or otherwise disposed of under such regulations as the tribal council shall

AB

provide: Provided further, That sales of improvements on the land of any decedent can be made only to members of the Makah Indian Tribe.

SEC. 10. Exchange of assignments.—Assignments may be exchanged between members of the Makah Indian Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. Use of unassigned tribal land.—Tribal land which is not assigned, including tribal timber reserves, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land accrue to the benefit of the tribe as a whole. All action of the tribal council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by section 6 of the act of June 18, 1934.

SEC. 12. Purchase of land by tribe.—Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Makah Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Makah Indian Tribe.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the tribe who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land owned by any member of the tribe in excess of his needs for domestic purposes may be purchased by the tribe with the consent of the owner, payments to be made on such terms as may be agreed upon by the council and the owner.

(e) Land owned by any members of the tribe who desire to leave the reservation permanently may be purchased by the tribe under such terms as may be agreed upon.

SEC. 13. Method of making assignments.—Applications for assignment shall be filed with the secretary of the council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit.

Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three other conspicuous places on the reservation for not less than 20 days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officers in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — REFERENDUM

Upon a petition of least one-third of the qualified voters of the Makah Indian Tribe, a referendum may be demanded on any enacted or proposed ordinance or resolution of the tribal council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the tribal council.

ARTICLE X — AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third of the qualified voters, members of the tribe.

***

BYLAWS OF THE MAKAH INDIAN TRIBE

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the council.—The chairman of the council shall preside over all meetings of the council; shall perform all duties of the chairman, and exercise any authority delegated to him by the council. The chairman shall also preside at all regular and special meetings of a general tribal nature. He shall vote only in case of a tie.

SEC. 2. Vice chairman of the council.—The vice chairman shall assist the chairman when called upon so to do. In the absence of the chairman he shall preside; when so presiding he shall have all the rights, privileges, duties, and responsibilities, of the chairman.

SEC. 3. Secretary of the council.—The secretary of the tribal council shall conduct all tribal correspondence and shall keep an accurate record of all business transacted at council meetings. It shall be his duty to keep minutes of regular and special tribal meetings and to submit copies of such minutes to the superintendent of the jurisdiction and also to the Commissioner of Indian Affairs.

SEC. 4. Treasurer of the council.—The treasurer of the tribal council shall account for, receive, receipt for, preserve, and safeguard all funds in the custody of the council, whether same be tribal or other funds for which the council is acting as trustee or custodian. Deposits of such funds shall be made in a bank or elsewhere, as designated by the council, and he shall make and preserve a financial record of all such funds and shall report on all receipts and expenditures, and the amount and nature of all funds in his possession or custody, such report being made in writing to the council at regular meetings, and at such other times as requested by the council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the tribal council, until

properly authorized so to do by resolution duly passed by the council.

The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the council and at such other times as the council or the Commissioner of Indian Affairs may direct.

The treasurer shall be required to furnish a bond satisfactory to the council and to the Commissioner of Indian Affairs, and the council is hereby authorized to pay the premium on such bond from any available funds. The treasurer shall be present at all special or regular meetings of the council.

SEC. 5. Duties of appointive officers and boards.—The duties of all appointive boards or officers of the council shall be clearly defined by resolution of the council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the council, and their activities and decisions shall be subject to review by the council upon the complaint of any person aggrieved.

ARTICLE II — CERTIFICATION OF ELECTION

It shall be the duty of the tribal council, or a board appointed by them, to certify to the election of the newly elected tribal council members within 5 days after the election and thereupon they shall be notified by the secretary of their election.

ARTICLE III — INSTALLATION OF COUNCIL MEMBERS

Newly elected members who have been duly certified shall be installed thereafter at the next regular meeting of the tribal council. Each newly elected member shall subscribe to the following oath:

STATE OF WASHINGTON,
County of Clallam, ss:

I, _ _ _ _ _ _ _ _ _ _ _ _, do solemnly swear (or affirm) that I will support and uphold the Constitution of the United States, the constitution and laws of the State of Washington and the constitution, bylaws, and ordinances of the Makah Indian Tribe of the Makah Indian Reservation in the State of Washington.

That I will in all respects faithfully and fully perform the duties of my office of _ _ _ _ _ _ _ _ _ _ _ _ _ _ for the Makah Indian Tribe of the Makah Indian Reservation, so help me God.

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

Subscribed and sworn to before me this _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ day of _ _ _ _ _ _ _ _ _ 19_ _.

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _

(The oath may be taken and subscribed to before any officer authorized to administer oaths in the State of Washington.)

ARTICLE IV — COMPENSATION

The tribal council may prescribe such compensation of officers or members of the council as it deems advisable from such funds as may be available, subject to approval of the general tribal meeting.

ARTICLE V — TIME AND PLACE OF MEETINGS

SECTION 1. Meetings.—Regular meetings of the tribal council shall be held at the agency at Neah Bay on the first Monday of January, April, July, and October, and at such other times as the tribal council may by resolution provide.

Special meetings may be called by a written notice signed by the majority of the tribal council, and, when so called, the tribal council shall have power to transact business as in regular meetings.

SEC. 2. Quorum.—No business shall be transacted unless a quorum is present. A quorum shall consist of four council members.

SEC. 3. Order of business.—The following order of business is established for all meetings:

1. Call to order by chairman.
2. Roll call.
3. Reading the minutes of last meeting.
4. Unfinished business.
5. Reports.
6. New business.
7. Adjournment.

ARTICLE VI — GENERAL TRIBAL MEETINGS

SECTION 1. There shall be an annual general tribal meeting open to all members of the tribe held at the agency on the last Monday in December. At this annual meeting, elections shall be held as designated heretofore in this constitution. The bylaws, orders, and resolutions, which are subject to approval at the general tribal meeting, shall be taken up for consideration at this time.

It shall also be the duty of the chairman to make a report at said meeting of the activities of the council throughout the year and to outline proposed plans for economic and social betterment of the tribe.

SEC. 2. Special general tribal meetings may be called by the chairman of the general council: Provided, That due notice is posted throughout the reservation at least 15 days prior to such meeting.

Fifty legal voters of the tribe may at any time, by written petition, call a general tribal meeting, provided that at least 15 days' notice is posted throughout the reservation.

ARTICLE VII — ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Makah Indian Tribe of the Makah Reservation voting at an election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, shall be submitted

to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 21, 1936, by the Secretary of the Interior, the attached constitution and bylaws were submitted for adoption to the adult members of the Makah Indian Tribe and were on April 18, 1936, duly adopted by a vote 58 for, and 15 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Public, No. 147, 74th Cong.).

PERCY IDES,
Chairman of Election Board.
JERRY McCARTY,
Chairman, Makah Indian Tribal Council.
HILDRED McCARTY,
Secretary, Makah Indian Tribal Council.

N. O. NICHOLSON,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Makah Indian Tribe of the Makah Indian Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affiars, so far as they may be incompatible with any of the provisions of the said constitution or bylaws are hereby declared inapplicable to the Makah Indian Tribe of the Makah Indian Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended May 7, 1936.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., May 16, 1936.

***

CONSTITUTION AND BY-LAWS OF THE QUILEUTE TRIBE OF THE QUILEUTE RESERVATION

[WASHINGTON]

Approved November 11, 1936

PREAMBLE

We, the Indians of the Quileute Tribe of the Quileute Reservation, Washington, pursuant to the Act of Congress of June 18, 1934, do hereby establish this Constitution of the Quileute Tribe, in order to secure a more perfect tribal organization, promote the general welfare, encourage educational progress, conserve and develop our lands and resources and secure to ourselves and our posterity the power to exercise certain rights of home rule.

ARTICLE I — TERRITORY

The jurisdiction of the Quileute Tribe shall include all the territory within the original confines of the Quileute Reservation as set forth by Executive Order of February 19, 1889, and shall extend to such other lands as have been or may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Quileute Tribe shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Tribe as of April 1, 1935;

(b) All children born to any member of the Tribe provided such member is a resident of the reservation at the time of the birth of such children, all children of one-half (1/2) or more Indian blood born to any non-resident member of the Tribe, and all children of any degree of Indian blood both of whose parents are members of the Tribe.

SEC. 2. The Tribal Council shall have power to promulgate ordinances subject to review by the Secretary of the Interior governing future membership and the adoption of new members, making any necessary adjustments of property rights.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Quileute Tribe shall consist of a council known as the Quileute Tribal Council.

SEC. 2. This Council shall consist of five (5) members each of whom shall serve three years and until his successor is elected and installed. Two (2) members shall be elected each year on the last Monday in December except 1937 and every third year thereafter when one (1) shall be elected.

SEC. 3. The Council so organized shall elect from within its own number (1) a Chairman; (2) a Vice-Chairman; and from within or without, (3) a Secretary, and (4) a Treasurer, and may appoint or employ such other officers or committees as may be deemed necessary.

SEC. 4. Within thirty (30) days after the ratification of this Constitution and its approval by the Secretary of the Interior, the present Tribal Council shall call a general tribal meeting for the election of officers in accordance with this Constitution. The two (2) candidates receiving the highest number of votes shall hold office until their successors are elected and installed in 1939; the two candidates receiving the next highest number of votes shall hold office until their successors are elected and installed in 1938; and the next highest, until his successor is elected in 1937.

ARTICLE IV — ELECTIONS FOR THE TRIBAL COUNCIL

SECTION 1. Any member of the Quileute Indian Tribe twenty-one (21) years of age or over who has maintained legal residence within the Quileute Reservation or within the territory of Clallam County for one year immediately preceding any election, shall be entitled to vote or be elected to office therein.

SEC. 2. All elections shall be by secret ballot and shall be held in accordance with the rules and regulations prescribed by the Tribal Council or by an election board appointed by the Tribal Council.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Council member shall die, resign, or permanently leave the reservation, be recalled or removed from office for cause, the Council shall declare the position vacant and appoint a successor to serve until the annual general tribal meeting is held in December, at which time the general tribal meeting shall elect a successor for the unexpired term.

SEC. 2. The Tribal Council may, by a four-fifths (4/5) vote of its total membership, expel any member for neglect of duty or gross misconduct, provided charges are made in writing, subscribed by competent witnesses and formally served upon the accused at least five (5) days prior to a public hearing. The accused member shall be given a full and fair opportunity to reply to any and all such charges against him, and also the opportunity to summon witnesses in his behalf.

SEC. 3. Upon a petition of at least one-third (1/3) of the eligible voters of the Quileute Tribe it shall be the duty of the Tribal Council to call a special election to consider the recall of the member or members of the Council named in such petition. If a majority of those voting in such election shall vote in favor of such recall from office, the office shall be declared vacant, and the Tribal Council shall proceed in the usual manner to hold an election to fill the said office.

ARTICLE VI — POWERS OF THE TRIBAL COUNCIL

SECTION 1. The Quileute Tribal Council shall exercise the following powers, subject to any limitations imposed by the Federal Statutes, the Constitution of the United States, and subject further to all express restrictions upon such powers provided in this Constitution and By-Laws:

(a) To negotiate with the Federal, State, and local governments on behalf of the Quileute Tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may effect the Quileute Tribe and its members.

(b) To employ legal counsel for the protection and advancement of the rights of the Quileute Tribe, and its members, the choice of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be sold or encumbered, or leased for a period exceeding ten (10) years except for governmental purposes.

(d) To advise with the Secretary of the Interior or his representatives on all appropriation estimates or Federal projects for the benefit of the Quileute Tribe, prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Quileute Tribe in accordance with the terms of a charter that may be issued to the Quileute Tribe by the Secretary of Interior.

(f) To levy and collect assessments upon members of the Quileute Tribe, or to require the performance of community labor in lieu thereof provided that no taxes may be levied, nor community labor required, except when approved at the annual December general tribal meeting, or a special general tribal meeting called for that purpose.

(g) To levy and collect taxes or license fees upon non-members doing business on the reservation, to exclude from the territory of the Tribe persons not legally entitled to reside thereon, or trespassers upon the reservation, under ordinances, all of which shall be subject to review by the Secretary of Interior.

(h) To enact resolutions or ordinances not inconsistent with Article II of this Constitution governing adoption and abandonment of membership, and to keep at all times a correct roll of the members of the Quileute Indian Tribe.

(i) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Quileute Tribe, and providing for the maintenance of law and order, and the administration of justice by establishing a Tribal Court, and defining its duties, powers and limitations.

(j) To safeguard and promote the peace, safety, morals and general welfare of the Quileute Tribe by regulating the conduct of trade, and the use and disposition of property upon the reservation, provided that any ordinances directly affecting non-members of the Tribe shall be subject to review by the Secretary of Interior.

(k) To charter subordinate organizations for economic purposes, and to regulate the activities of cooperative associations of members of the Quileute Indian Tribe by ordinances, provided that any such ordinances shall be subject to review by the Secretary of the Interior.

(l) To appropriate for public purposes of the reservation any available tribal funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(m) To provide for the appointment of guardians for minors and mental incompetents, by ordinance or resolution subject to review by the Secretary of the Interior.

(n) To adopt resolutions regulating the procedure of the Council itself, and other tribal agencies and tribal officials of the reservation.

(o) To acquire, under condemnation proceedings in courts of competent jurisdiction, land or other property needed for public purposes, subject to the approval of the Secretary of the Interior.

(p) To make assignments of tribal land to members of the Tribe in conformity with Article VIII of this Constitution.

(q) To regulate the domestic relations of members of the Tribe.

(r) To delegate to subordinate boards, or to cooperative associations, which are open to all members of the Tribe, any of the foregoing powers, reserving the right to review any action taken by such body to whom such power has been delegated.

SEC. 2. Manner of review.—Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation who shall, within ten (10) days thereafter, approve or disapprove the same. If the Superintendent shall approve said ordinance or resolution, it shall thereupon become effective,but the Superintendent shall transmit a copy of the same bearing his endorsement to the Secretary of the Interior, who may within ninety (90) days from the date of enactment rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within ten (10) days after its enactment, he shall advise the Quileute Tribal Council of his reasons therefor. If these reasons appear to the Council insufficient, it may by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may within ninety (90) days from the date of its enactment approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Further powers.—The Quileute Tribal Council may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved powers.—Any rights or powers heretofore vested in the Quileute Tribe but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Quileute Tribe through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. Suffrage.—All members of the Tribe over the age of twenty-one (21) shall have the right to vote in all tribal reservation elections. The residence qualifications established by Article IV of this Constitution shall apply to all

elections except elections for the amendment of this Constitution and By-Laws.

SEC. 2. Economic rights.—All members of the Tribe shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil liberties.—All members of the Tribe may enjoy without hindrance freedom of worship, conscience, speech, press, assembly and association.

SEC. 4. Rights of accused.—Any member of the Quileute Tribe accused of any offense shall have the right to a prompt, open and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty (30) days imprisonment or more than forty-five ($45.00) dollars fine.

Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII—LAND

SECTION 1. Allotted lands.—Allotted lands, including heirship lands within the Quileute Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington or of the Federal Government, or by the Tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Quileute Tribe. Likewise, it is recognized that under existing law, the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Quileute Tribe either in exchange for a money payment or in exchange for an assignment covering the same land, or other land, as hereinafter provided.

SEC. 2. Tribal lands.—The unallotted lands of the Quileute Reservation, and all lands which may hereafter be acquired by the Quileute Tribe or by the United States in trust for the Quileute Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Quileute Tribe, or leased, or otherwise used by the Tribe, as hereinafter provided.

SEC. 3. Leasing of tribal lands.—Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands, preference shall be given, first to cooperative associations of members of the Tribe, and second, to members of the Quileute Tribe.

SEC. 4. Grant of standard assignments.—In any assignment of tribal lands which now are owned by the Tribe or which hereafter may be acquired for the Tribe by the United States or purchased by the tribe out of tribal funds, preference shall be

given, first, to heads of families which are entirely landless, and second, to heads of families whose assignments consist of less than an economic unit.

No allotted member of the Quileute Tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated, except to the Tribe, shall be entitled to receive an assignment of land as a landless member.

The Tribal Council may, if it sees fit, charge a fee of not to exceed five ($5.00) dollars on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members and shall be known as standard assignments.

SEC. 5. Tenure of standard assignments.—If any member of the Tribe holding a standard assignment of land shall, for a period of two (2) years, fail to use the land so assigned or use such land for any unlawful purpose, his assignment may be cancelled by the Tribal Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Quileute Tribe who would be eligible to receive a standard assignment.

SEC. 6. Grant of exchange assignments.—Any member of the Tribe who owns an allotment or any share of heirship land may voluntarily transfer his interests in such land to the Tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive in lieu of a specific tract of land a proprotionate share in a larger unit.

Assignments made under this section shall be known as exchange assignments.

SEC. 7. Leasing of exchange assignments.—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations of members of the Tribe or to individual members of the Tribe, or, if no individual member or cooperative association of the members of the Tribe is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments.—Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Quileute Tribe, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than an economic unit of land, to be determined from time to time by the Tribal Council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of uncleared or timber land shall be subdivided into units smaller than forty (40) acres, and no area of tillable

agricultural land shall be subdivided into units smaller than two and one-half (2 1/2) acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council may issue to the eligible heirs or devisees other interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this article.

SEC. 9. Inheritance of improvements.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Quileute Tribe or otherwise disposed of under such regulations as the Tribal Council shall provide; provided, that sales of improvements on the land of any decedent can be made only to members of the Quileute Indian Tribe.

SEC. 10. Exchange of assignments.—Assignments may be exchanged between members of the Quileute Tribe by common consent in such manner as the Tribal Council shall designate.

SEC. 11. Use of unassigned tribal land.—Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council for the benefit of the members of the entire Tribe, and any cash income derived from such land shall accrue to the benefit of the Tribe as a whole. All action of the Tribal Council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by Section 6 of the Act of June 18, 1934.

SEC. 12. Purchase of land by tribe.—Tribal funds may be used, with the consent of the Secretary of Interior, to acquire land, under the following conditions:

(a) Land within the Quileute Reservation or adjacent to the boundaries thereof which is not now in Indian ownership, may be purchased by or for the Quileute Tribe.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the Tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the Tribe, who is over the age of sixty (60) years, or who is physically incapacitated, may be transferred by its owner to the Tribe in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land owned by any member of the Tribe in excess of his needs for domestic purposes may be purchased by the Tribe with the consent of the owner, payments to be made on such terms as may be agreed upon by the Council and the owner.

(e) Land owned by any members of the Tribe who desire to leave the reservation permanently may be purchased by the Tribe under such terms as may be agreed upon.

SEC. 13. Method of making assignments.—Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description

of the land desired as the circumstances will permit.

Notices of all applications received by the Secretary shall be posted by him in the Agency office and in at least three conspicuous places on the reservation for not less than twenty (20) days before action is taken by the Council. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officers in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Tribe.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — REFERENDUM

Upon a petition of at least one-third (1/3) of the qualified voters of the Quileute Tribe, a referendum may be demanded on any enacted or proposed ordinance or resolution of the Tribal Council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the Tribal Council.

ARTICLE X — AMENDMENTS

This Constitution and By-Laws may be amended by a majority vote of the qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third (1/3) of the qualified voters, members of the Tribe.

***

BY-LAWS OF THE QUILEUTE TRIBE OF THE QUILEUTE RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the council.—The Chairman of the Council shall preside over all meetings of the Council; shall perform all duties of the Chairman and exercise any authority delegated to him by the Council. The Chairman shall also preside at all regular and special meetings of a general tribal nature. He shall vote only in the case of a tie.

SEC. 2. Vice-Chairman of the council.—The Vice-Chairman shall assist the Chairman when called upon so to do. In the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges, duties and responsibilities of the Chairman.

SEC. 3. Secretary of the council.—The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all business transacted at Council meetings. It shall be his duty to keep minutes of

regular and special Council or general tribal meetings and to submit copies of such minutes to the Superintendent of the jurisdiction and also to the Commissioner of Indian Affairs.

SEC. 4. Treasurer of the council.--The Treasurer of the Tribal Council shall account for, receive, receipt for, preserve and safeguard all funds in the custody of the Council whether the same be tribal or other funds for which the Council is acting as trustee or custodian. Deposits of such funds shall be made in a bank or elsewhere, as designated by the Council, and he shall make and preserve a financial record of all such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Council at regular meetings, and at such other times as requested by the Council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the Council, until properly authorized so to do by resolution duly passed by the Council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council and at such other times as the Council or the Commissioner of Indian Affairs may direct.

The treasurer shall be required to furnish a bond satisfactory to the Council and to the Commissioner of Indian Affairs, and the Council is hereby authorized to pay the premium on such bond from any available funds. The Treasurer shall be present at all special or regular meetings of the Council.

SEC. 5. Duties of appointive officers and boards.--The duties of all appointive boards or officers of the Council shall be clearly defined by resolution of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the Council, and their activities and decisions shall be subject to review by the Council upon the complaint of any person aggrieved.

ARTICLE II — CERTIFICATE OF ELECTION

It shall be the duty of the Tribal Council, or a board appointed by them, to certify to the election of the newly elected Tribal Council members within five (5) days after the election and thereupon they shall be notified by the Secretary of their election.

ARTICLE III — INSTALLATION OF OFFICERS AND COUNCIL MEMBERS

Newly elected members who have been duly certified shall be installed thereafter at the next regular meeting of the Tribal Council. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-Laws.

Oath: "I, ----------, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Quileute Tribe against all enemies: that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my Tribe, in accordance with its Constitution and By-Laws."

ARTICLE IV — COMPENSATION

The Tribal Council may prescribe such compensation of officers or members of the Council as it deems advisable from such funds as may be available, subject to approval of the general tribal meeting.

ARTICLE V — TIME AND PLACE OF MEETINGS

SECTION 1. Meetings.—Regular meetings of the Tribal Council shall be held at LaPush, Washington, on the last Monday of June and December, and at such other times as the Council may by resolution designate.

Special meetings may be called by the Chairman or by written notice signed by the majority of the Tribal Council and when so called, the Tribal Council shall have power to transact business as in regular meetings.

SEC. 2. Quorum.—No business shall be transacted unless a quorum is present. A quorum shall consist of four (4) Council members.

SEC. 3. Order of business.—The following order of business is established for all meetings:

1. Call to order by chairman.
2. Roll call.
3. Reading the minutes of last meeting.
4. Unfinished business.
5. Reports.
6. New business.
7. Adjournment.

SEC. 4. Ordinances and resolutions.—All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

All final decisions of the Tribal Council in matters of temporary interest (such as action on the tribal budget for a single year or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Tribal Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by action of the Tribal Council or by the ruling of the Chairman if no objection is heard.

In all ordinances, resolutions, or motions, the Tribal Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

Every ordinance shall begin with the words: "Be it enacted by the Quileute Tribal Council -----."

Every resolution shall begin with the words: "Be it resolved by the Quileute Tribal Council -----."

ARTICLE VI — GENERAL TRIBAL MEETINGS

SECTION 1. There shall be an annual general tribal meeting open to all members of the Tribe, held at LaPush, Washington, on the last Monday in December. At this meeting, elections shall be held as designated heretofore in this Constitution. The By-Laws, orders, and resolutions, which are subject to approval at the general tribal meeting, shall be taken up for consideration at this time.

It shall also be the duty of the Chairman to make a report of the activities of the Council throughout the year, and to outline proposed plans for economic and social betterment of the Tribe.

SEC. 2. Special general tribal meetings may be called by the Chairman of the Tribal Council provided that due notice is posted throughout the reservation at least fifteen days prior to such meeting.

One-third (1/3) of the legal voters of the Tribe may at any time, by written petition, call a general tribal meeting provided that at least fifteen days' notice is posted throughout the reservation.

ARTICLE VII — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-Laws, when ratified by a majority vote of the qualified voters of the Quileute Tribe of the Quileute Reservation voting at an election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved September 12, 1936, by the Secretary of the Interior, the attached Constitution and By-Laws was submitted for ratification to the members of the Quileute Tribe of the Quileute Reservation and was on October 10, 1936, duly adopted by a vote of 37 for and 12 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

MORTON PENN,
Chairman of Election Board
SARAH WOODRUFF,
Secretary of Election Board.

W. O. NICHOLSON,
Superintendent in charge of the reservation.

***

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-Laws of the Quileute Tribe of the Quileute Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-Laws are hereby declared inapplicable to the Quileute Tribe of the Quileute Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-Laws.

Approval recommended November 6, 1936.

WILLIAM ZIMMERMAN, JR.
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior

[SEAL]

Washington, D. C., November 11, 1936.

***

AMENDMENT I.

ARTICLE VI, Section 1 (c) of the Quileute Constitution which reads as follows:

"(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be sold or encumbered, or leased for a period exceeding ten (10) years except for governmental purposes."

shall be amended to read as follows:

"(c) To approve or veto any sale, disposition, lease or emcumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government, provided that no tribal lands shall ever be sold or encumbered, or leased for a period exceeding that permitted by law, except for governmental purposes."

CERTIFICATION OF ADOPTION

Pursuant to Sections 16 and 17 of the act of June 18, 1934 (48 Stat. 984), this amendment, issued on November 30, 1948, by the Assistant Secretary of the Interior to the Quileute Indian Tribe of the Quileute Indian Reservation, Wash., was duly submitted to the adult Indians living on the reservation, and was on December 27, 1948, duly ratified by a vote of 21 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

BRYAN COLE,
REX WARD,
JOHNNY JACKSON,
Members of Election Board.

APPROVAL

I, William E. Warne, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve Amendment I to the Constitution and By-laws for the Quileute Tribe, Washington.

Approval recommended: March 11, 1949.

JOHN H. PROVINSE,
Commissioner.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., March 11, 1949.

***

CONSTITUTION AND BY-LAWS OF THE SKOKOMISH INDIAN TRIBE OF THE SKOKOMISH RESERVATION

[WASHINGTON]

Approved May 3, 1938
Amended

PREAMBLE

We, the Indians of the Skokomish Indian Tribe of the Skokomish Reservation, in order to establish a more perfect tribal organization and to secure certain privileges and powers offered to us by the Indian Reorganization Act, do ordain and establish this Constitution and Bylaws.

ARTICLE I — TERRITORY

The territory of the Skokomish Tribe shall include the unallotted portion of the Skokomish Reservation remaining in tribal ownership at the time of the approval of this constitution and bylaws and any other lands which may be acquired for or by, and held in the name of, the Skokomish Tribe. The jurisdiction of the Tribe over such lands, and over the allotted lands within the original boundaries of the Skokomish Reservation, shall not be inconsistent with applicable Federal and State laws. However, nothing in this Article shall be construed as restricting the treaty hunting and fishing rights of members, including the right to fish in usual and accustomed places.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Skokomish Indian Tribe shall consist of the following persons, provided that such persons have not relinquished membership in the Skokomish Tribe or have not become enrolled as members of any other tribe, band, or Indian Community:

(a) All persons of Indian blood whose names appear on the official census roll of the Tribe as of January 1, 1937; Provided, that such roll may be corrected by the Tribal Council with the approval of the Secretary of the Interior.

(b) All children born between January 1, 1937, and the effective date of this amendment, to any member of the Skokomish Tribe who was a resident of the Reservation at the time of the birth of said child.

(c) All children who are 1/4 degree or more Skokomish Indian blood born to any member who was not a resident of the Reservation between January 1, 1937, and the effective date of this amendment.

(d) All persons of 1/4 degree or more Skokomish Indian blood born to any member of the Skokomish Indian Tribe after the effective date of this amendment.

SEC. 2. The Tribal Council shall have the right to promulgate ordinances subject to review by the Secretary of the Interior, governing future membership and the adoption of new members. Vested property rights of any person shall not be

changed by any action under this section.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Skokomish Indian Tribe shall consist of a council known as the Skokomish Indian Tribal Council.

SEC. 2. This council shall consist of five members duly elected to serve three years, except as provided in Section 4, two members being elected each year except that every third year, one shall be elected.

SEC. 3. This council so organized shall elect from within its own number (1) a chairman, (2) a vice-chairman, and from within or without, (3) a secretary, and (4) a treasurer; and may appoint or employ such other officers or committees as may be deemed necessary.

SEC. 4. The present tribal council within 60 days after the ratification and approval of this constitution, shall call a general tribal meeting for the election of councilmen in accordance with this constitution. The two candidates receiving the highest number of votes shall hold office until December, 1940. The two candidates receiving the next highest number of votes shall hold office until December, 1939, and the next highest until December, 1938. Thereafter, the term of office for councilmen elected under this constitution shall be three years. After the first election, elections for the tribal council shall be held on the last Monday in December, or, if same be a legal holiday, on the next succeeding business day.

ARTICLE IV — ELECTION FOR THE TRIBAL COUNCIL

SECTION 1. Any member of the Tribe, 21 years of age or over, who has maintained a legal residence on the reservation, or within a three (3) mile radius of the exterior boundary of the Reservation, for one year immediately preceding any election, shall be entitled to vote in such election.

SEC. 2. Any eligible voter shall be qualified to serve as a member of the Skokomish Indian Tribal Council; provided he or she has lived on the Reservation, or within a three (3) mile radius of the exterior boundary of the Reservation, for one year immediately preceding any election.

SEC. 3. All elections shall be by secret ballot and shall be held in accordance with rules and regulations prescribed by the Tribal Council, or by an elected board appointed by the Tribal Council.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a council member shall die, resign, or permanently leave the Reservation, or be removed from office for cause, the council shall declare the position vacant and appoint a successor to serve until the annual General Tribal Meeting in December, at which time the eligible voters of the tribe shall elect a successor for the unexpired term.

SEC. 2. The tribal council may, by a majority vote of its total membership, expel any member for neglect of duty or gross misconduct, provided charges are presented in writing, subscribed by competent witnesses and formally served upon the accused at least five days prior to the hearing. The accused member shall be given a full and fair opportunity to reply to any and all such charges against

himself, and also the opportunity to summon witnesses in his behalf.

SEC. 3. Upon a petition of at least one-third of the eligible voters of the Skokomish Indian Tribe, it shall be the duty of the tribal council to call a special election to consider the recall of the member or members of the council named in such petition. In the event that a majority of those voting in such election favor such recall from office, the office shall be declared vacant and the tribal council shall proceed in the usual manner to hold an election to fill the said vacancy.

ARTICLE VI — POWERS OF THE TRIBAL COUNCIL

SECTION 1. The tribal council shall exercise the following powers, subject to any limitations imposed by the Federal statutes, and the Constitution of the United States, and subject further to all express restrictions upon such powers provided in this constitution and bylaws.

(a) To negotiate with the Federal, State and local governments on behalf of the tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the tribe and its members.

(b) To employ legal counsel for the protection and advancement of the rights of the tribe and its members, the choice of such counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or incumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of government: Provided, That no tribal lands shall ever be sold or incumbered except for governmental purposes, or leased for a period exceeding five years, except that leases for mining purposes may be made for such longer periods as may be authorized by law.

(d) To advise with the Secretary of the Interior or his representatives on all appropriation estimates, or Federal projects for the benefit of the tribes prior to their submission to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Tribe, in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.

(f) To levy assessments upon members of the tribe, or to require the performance of community labor in lieu thereof: Provided, That no assessments may be levied, nor community labor required, except when approved at the annual December General Tribal Meeting, or at a special General Tribal Meeting called for that purpose.

(g) To enact resolutions or ordinances not inconsistent with Article II of this constitution, governing adoption and abandonment of membership, and to keep at all times a correct roll of the members of the Skokomish Indian Tribe.

(h) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing conduct of members of the Skokomish Indian Tribe; Provided, that this authority shall not be exercised while civil and

criminal jurisdiction is vested in the State of Washington under Public Law 280, except regarding hunting and fishing and shell fishing reserved to the Tribe by treaty, agreement or statute.

(i) To safeguard and promote the peace, safety, morals, and general welfare of the Skokomish Indian Tribe by regulating the conduct of trade and the use and disposition of property upon the Reservation: Provided, That any ordinances directly affecting non-members of the tribe shall be subject to review by the Secretary of the Interior.

(j) To charter subordinate organizations for economic purposes, and to regulate by ordinance the activities of cooperative associations of members of the Skokomish Indian Tribe: Provided, That any such ordinance shall be subject to review by the Secretary of the Interior.

(k) To appropriate for public purposes of the tribe any available tribal funds: Provided, That any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(l) To provide by ordinance or resolution for the appointment of guardians for minors and mental incompetents subject to review by the Secretary of the Interior.

(m) To adopt resolutions regulating the procedure of the council itself and other tribal agencies and tribal officials of the Reservation.

(n) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe, any of the foregoing powers, reserving the right to review any action taken by such body to whom such power has been delegated.

SEC. 2. Manner of Review.—Any resolution or ordinance, which by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall within 10 days after its receipt, approve or disapprove the same. If the Superintendent shall approve said resolution or ordinance, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of its receipt, rescind the said resolution or ordinance for any cause by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within 10 days after its receipt, he shall advise the Skokomish Tribal Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the resolution or ordinance to the Secretary of the Interior, who may, within 90 days from the date of its receipt, approve the same in writing, whereupon the said resolution or ordinance shall become effective.

SEC. 3. Future Powers.—The Skokomish Indian Tribal Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved Powers.—Any rights or powers heretofore vested in the Skokomish Indian Tribe but not expressly referred to in this constitution, shall not be abridged by this Article, but may be exercised by the people of the Skokomish Indian Tribe through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. Suffrage.—All members of the tribe over the age of 21 years shall have the right to vote in all tribal elections. The residence qualifications established by Article IV of this constitution shall apply to all elections, except elections for the amendment of this constitution and bylaws.

SEC. 2. Economic Rights.—All members of the tribe shall be accorded equal opportunities to participate in the economic resources and activities of the Reservation.

SEC. 3. Civil Liberties.—All members of the tribe may enjoy, without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

ARTICLE VIII — LAND

SECTION 1. Allotted Lands.—Allotted lands, including heirship lands, within the Skokomish Indian Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law, such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington, or of the Federal Government, or by the tribe itself. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owner, whether or not they are members of the Skokomish Indian Tribe. Likewise, it is recognized that under existing law, the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Skokomish Indian Tribe either in exchange for a money payment or in exchange for an assignment covering the same land, or other land, as hereinafter provided.

SEC. 2. Tribal land.—The unallotted lands of the Skokomish Reservation, and all lands which may hereafter be acquired by the Skokomish Indian Tribe or by the United States in trust for the Skokomish Indian Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the Skokomish Indian Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 3. Leasing of Tribal lands.—Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands, preference shall be given first to Indian cooperative associations of members of the tribe; and second, to individual Indians who are members of the Skokomish Indian Tribe.

SEC. 4. Grant of Standard Assignments.—In any assignment of tribal lands which now are owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given, first, to heads of families which are entirely landless; and

second, to heads of families which have no allotted lands or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land or other land, or interest in land of equal value.

No allotted member of the Skokomish Indian Tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated, except to the tribe, shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of not to exceed $5.00 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as standard assignments.

SEC. 5. Tenure of Standard Assignments.—If any member of the tribe holding a standard assignment of land shall, for a period of two years, fail to use the land so assigned or use such land for any unlawful purpose, his assignment may be cancelled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Skokomish Indian Tribe who would be eligible to receive a standard assignment.

SEC. 6. Grant of Exchange Assignments.—Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interests in such land to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive in lieu of a specific tract of land a proportionate share in a larger unit.

Assignments made under this section shall be known as exchange assignments.

SEC. 7. Leasing of Exchange Assignments.—Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations of members of the tribe, to individual members of the tribe, or, if no individual Indian or Indian cooperative association of members is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-members in the same manner as allotted lands.

SEC. 8. Inheritance of Exchange Assignments.—Upon the death of the holder of any exchange assignment, his land shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Skokomish Indian Tribe, except that a life assignment may be made to the surviving widower or widow of the holder of the assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than an economic unit of land to be determined from time to time by the tribal council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of uncleared land shall be subdivided into units smaller than 40 acres, and no area of tillable agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the tribal council may issue to the eligible heirs or devisees interests in tribal lands of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this article.

SEC. 9. Inheritance of Improvements.—Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Skokomish Indian Tribe or otherwise disposed of under such regulations as the tribal council shall provide: Provided, That sales of improvements on the land of any decedent may be made only to members of the Skokomish Indian Tribe.

SEC. 10. Exchange of Assignments.—Assignments may be exchanged between members of the Skokomish Indian Tribe by common consent in such manner as the tribal council shall designate.

SEC. 11. Use of Unassigned Tribal Land.—Tribal land which is not assigned, shall be managed by the tribal council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole. All actions of the tribal council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by Section 6 of the Act of June 18, 1934.

SEC . 12. Purchase of Land by Tribe.—Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Skokomish Reservation, or adjacent to the boundaries thereof, which is not now in Indian ownership, may be purchased by or for the Skokomish Indian Tribe.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the tribe who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land owned by any member of the tribe in excess of his needs for domestic purposes may be purchased by the tribe with the consent of the owner, payments to be made on such terms as may be agreed upon by the council and the owner.

(e) Land owned by any members of the tribe who desire to leave the Reservation permanently may be purchased by the tribe under such terms as may be agreed upon.

SEC. 13. Method of Making Assignments.—Applications for assignments shall be filed with the Secretary of the council and shall be in writing setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit.

Notices of all applications received by the Secretary shall be posted by him in the Reservation headquarters and in at least three other conspicuous places on the Reservation for not less than 20 days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the council, and may if he so desires, appear before the council to present evidence. The Secretary of the council shall furnish the Superintendent or other officer in charge of the Reservation a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept at the Reservation headquarters, and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — REFERENDUM

Upon a petition of at least one-third of the qualified voters of the Skokomish Indian Tribe, a referendum may be demanded on any enacted or proposed ordinance or resolution of the tribal council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the tribal council.

ARTICLE X — AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior: Provided, That at least 50 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third of the qualified voters, members of the tribe.

***

BYLAWS OF THE SKOKOMISH INDIAN TRIBE OF THE SKOKOMISH RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Council.—The Chairman of the council shall preside over all meetings of the council, shall perform all duties of the Chairman and exercise any authority delegated to him by the council. The Chairman shall also preside at all regular and special meetings of a general tribal nature. He shall vote only in the case of a tie.

SEC. 2. Vice Chairman of the Council.—The Vice Chairman of the council shall assist the Chairman when called upon so to do. In the absence of the Chairman, he shall preside and when so presiding, he shall have all the rights, privileges, duties and responsibilities of the Chairman.

SEC. 3. Secretary of the Council.—The Secretary of the tribal council shall conduct all tribal correspondence and shall keep an accurate record of all business transacted at council meetings. It shall be his duty to keep minutes of regular and special tribal meetings and to submit copies of such minutes to the Superintendent of the jurisdiction, and also to the Commissioner of Indian Affairs.

SEC. 4. Treasurer of the Council.—The Treasurer of the tribal council shall account for, receive, receipt for, preserve, and safeguard all funds in the custody of the council, whether same be tribal or other funds for which the council is acting as trustee or custodian. Deposits of such funds shall be made in a bank or elsewhere, as designated by the council, and he shall make and preserve a financial record of all such funds and shall report on all receipts and expenditures, and the amount and nature of all funds in his possession or custody, such report being made in writing to the council at regular meetings, and at such other times as requested by the council. He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the tribal council, until properly authorized so to do by resolution duly passed by the council.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the council and at such other times as the council or the Commissioner of Indian Affairs may direct.

The Treasurer shall be required to furnish a bond satisfactory to the council and to the Commissioner of Indian Affairs, and the council is hereby authorized to pay the premium on such bond from any available funds. The Treasurer shall be present at all special or regular meetings of the council.

SEC. 5. Duties of Appointive Officers and Boards.—The duties of all appointive boards or officers of the council shall be clearly defined by resolution of the council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the council, and their activities and decisions shall be subject to review by the council upon the complaint of any person aggrieved.

ARTICLE II — CERTIFICATION OF ELECTION

It shall be the duty of the tribal council, or a board appointed by it, to certify to the election of the newly elected tribal council members within five days after the election, and thereupon they shall be notified by the Secretary of the council of their election.

ARTICLE III — INSTALLATION OF COUNCIL MEMBERS

Newly elected members who have been duly certified shall be installed thereafter at the next regular meeting of the tribal council. Each newly elected member shall subscribe to the following oath:

STATE OF WASHINGTON
County of ----------, ss.

I, ----------, do solemnly swear (or affirm), that I will support and uphold the Constitution of the United States and the Constitution, Bylaws and ordinances of the Skokomish Indian Tribe of the Skokomish Reservation in the State of Washington;

That I will in all respects faithfully and fully perform the duties of my office of ----------, for the Skokomish Indian Tribe of the Skokomish Reservation, so help me God.

Subscribed and sworn to before me this -------day of----------
----------19-------.

(The oath may be taken and subscribed to before any officer authorized to administer oaths in the State of Washington.)

ARTICLE IV — COMPENSATION

The tribal council may prescribe such compensation of officers or members of the council as it deems advisable from such funds as may be available, subject to approval of the General Tribal Meeting.

ARTICLE V — TIME AND PLACE OF MEETINGS

SECTION 1. Meetings.—Regular meetings of the tribal council shall be held at a designated place on the Reservation, on the first Monday of January, April, July and October, and at such other times as the tribal council may by resolution provide.

Special meetings may be called by a written notice signed by the majority of the tribal council, and when so called, the tribal council shall have power to transact business as in regular meetings.

SEC. 2. Quorum.—No business shall be transacted unless a quorum is present. A quorum shall consist of a majority of the members of the council.

SEC. 3. Order of Business.—The following order of business is established for all meetings.

1. Call to order by Chairman.
2. Roll call.
3. Reading the minutes of last meeting.
4. Unfinished business.
5. Reports.
6. New Business.
7. Adjournment.

SEC. 4. All matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement, and parliamentary procedure shall, except as otherwise provided, be governed by Robert's Rules of Order.

ARTICLE VI — GENERAL TRIBAL MEETINGS

SECTION 1. There shall be an annual General Tribal Meeting open to all members of the tribe held at a designated place on the Reservation, on the last Monday in December, except as stated in Section 4, Article III, of the constitution. At this annual meeting, elections shall be held as designated heretofore in this constitution. The bylaws, orders and resolutions which are subject to approval at the General Tribal Meeting shall be taken up for consideration at this time.

It shall also be the duty of the Chairman to make a report at said meeting of the activities of the council throughout the year and to outline proposed plans for economic and social betterment of the tribe.

SEC. 2. Special General Tribal Meetings may be called by the Chairman of the Skokomish Indian Tribal Council: Provided, That due notice is posted throughout the Reservation at least 15 days prior to such meeting.

Twenty-five legal voters of the tribe may at any time, by written petition, call a General Tribal Meeting: Provided, That at least 15 days' notice is posted throughout the Reservation.

ARTICLE VII — ADOPTION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Skokomish Indian Tribe of the Skokomish Reservation voting at an election called for the purpose by the Secretary of the Interior: Provided, That at least 30 percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved February 24, 1938, by the Assistant Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Skokomish Indian Tribe of the Skokomish Reservation and was on April 2, 1938, duly approved by a vote of 38 for and 27 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

BEN JOHN
Chairman of the Tribal Council
ANDREW PETERSON
Secretary of the Tribal Council

N. O. NICHOLSON
Superintendent, Taholah Agency

***

APPROVAL

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Skokomish Indian Tribe of the Skokomish Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or bylaws are hereby declared inapplicable to the Skokomish Indian Tribe of the Skokomish Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended:

April 25, 1938
WILLIAM ZIMMERMAN, JR.
Acting Commissioner of
Indian Affairs

OSCAR L. CHAPMAN
Assistant Secretary of the Interior

[SEAL]

Washington, D. C.

May 3, 1938

***

CONSTITUTION AND BY-LAWS OF THE SPOKANE TRIBE OF THE SPOKANE RESERVATION, WASHINGTON

Ratified May 12, 1951

PREAMBLE

We, the Indians of the Spokane Reservation, in order to form a recognized tribal organization to manage our tribal affairs, do hereby establish this Constitution and Bylaws.

ARTICLE I — PURPOSE

Our purpose shall be to promote and protect the interests of the Spokane Indians and cooperate with the Commissioner of Indian Affairs and his representatives.

ARTICLE II — TERRITORY

The jurisdiction of the Spokane Indians shall include all trust and tribal lands within the boundaries of the Spokane Reservation established by Executive Order of January 18, 1881, and any additions made thereto.

ARTICLE III — MEMBERSHIP

SECTION 1. The Membership of the Spokane Tribe shall consist of:

(a) All persons of Spokane Indian blood whose names appear on the official census of the Spokane Tribe as of January 1, 1951; provided, that corrections may be made in said census by the Business Council subject to the approval of the Secretary of the Interior or his duly authorized representative, and

(b) All children of one-fourth or more degree of Indian blood born subsequent to January 1, 1951 but prior to midnight September 1, 1963 to any parent who is an enrolled member of the Spokane Tribe, and

(c) All children of one-fourth or more degree of Indian blood, born subsequent to midnight September 1, 1963 to any enrolled member of the Spokane Tribe who is one-fourth or more degree of Spokane Indian blood.

SEC. 2. The Business Council shall have the power to enact ordinances, subject to this Constitution and to the approval of the Secretary of the Interior, governing future membership, adoptions, and loss of membership in the Spokane Tribe.

ARTICLE IV — GOVERNING BODY

SECTION 1. The governing body of the Spokane Tribe shall be a Business Council of three members, consisting of a Chairman, Secretary, and one member.

SEC. 2. No person shall be a candidate for membership on the Tribal Business Council unless he is a member of the Spokane Tribe, shall have actually lived on the Reservation at least one year next preceding the election, and shall be at least 25 years of age but not more than 70 years of age. No person shall be

eligible to be a candidate for membership on said council and no incumbent shall be eligible to remain on the Council who has been convicted of a felony or who during his term of office or within one year prior to the election at which he would be a candidate was convicted of a misdemeanor involving dishonesty.

SEC. 3. The Council members shall be elected for a three year term after the first election under this amendment. At the first election the candidate receiving the highest number of votes shall serve three years; the candidate receiving the next highest number of votes shall serve two years; the candidate receiving the next highest number of votes shall serve one year. Thereafter, elections for the Business Council shall be held each year with one person being elected for a three year term.

SEC. 4. The General Council shall be composed of all the qualified voters of the Spokane Tribe.

ARTICLE V — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Business Council under this constitution shall be called and supervised by the Superintendent of the reservation and the present Tribal Council within sixty days after its ratification and approval. Thereafter, annual elections shall be held at least sixty days before expiration of the term of office.

All elections shall be by secret ballot.

SEC. 2. Any member of the Spokane Tribe twenty-one (21) years of age or over shall have the right to vote provided that voting shall be done in person at prescribed voting places.

ARTICLE VI — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. Any vacancy in the Business Council shall be filled by the Business Council. Such appointee shall hold office until the next regular election.

SEC. 2. Upon receipt of a written petition signed by 75 eligible voters calling for the recall of any council member, it shall be the duty of the council to call a special hearing for the member involved. Any enrolled member of the Tribe may attend said hearing. It at the conclusion of the hearing a majority of the adult members of the Tribe attending the hearing vote to hold a recall election, an election shall be called for that purpose. The challenged incumbent shall automatically be a candidate in said election unless he withdraws. Other candidates may have their names placed on the ballot and said election shall be conducted in the same manner as a regular general election. The candidate receiving the most votes shall serve the remainder of the term of office.

ARTICLE VII — POWERS AND DUTIES OF THE BUSINESS COUNCIL

SECTION 1. The Business Council shall have the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

(a) To negotiate with Federal, State, and local governments, and to advise with representatives of the Interior Department of appropriations, projects and legislation that affects the Tribe;

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, or his duly authorized representative;

(c) To manage all affairs of the Tribe, including the administering of tribal lands, funds, timber, and other resources under appropriate contracts, leases, permits, or loan or sale agreements;

(d) To exclude from the restricted lands of the Reservation any persons not legally entitled to reside thereon;

(e) To regulate the inheritance of real and personal property, other than allotted lands, within the Spokane Reservation;

(f) To regulate domestic relations of members of the Spokane Tribe and to provide for assessments or license fees upon non-members doing business within the Reservation or obtaining special rights or privileges, subject to the approval of the Commissioner of Indian Affairs, and the same may apply to members of the Tribe if approved by a referendum of the Spokane Tribe;

(g) To appoint necessary committees;

(h) To promulgate and enforce ordinances necessary to carry out the powers and duties of the Business Council;

(i) To buy, sell, encumber, lease or otherwise acquire or dispose of all classes and types of real and personal property, subject to the approval of the Bureau of Indian Affairs or the Secretary of the Interior or his authorized representative where required and subject to all relevant rules, regulations and statutes.

***

BY-LAWS OF THE SPOKANE TRIBE

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman. The Chairman of the Business Council shall preside over all meetings of the Tribe and of the Business Council. He shall perform all duties of the Chairman and exercise any authority delegated to him by the Business Council. In the absence of the Chairman, the member not holding office shall perform the duties of the Chairman.

SEC. 2. Secretary. The Secretary shall conduct all correspondence and keep accurate records of all matters transacted by the Council. He shall submit to the Superintendent copies of the minutes of all special and regular meetings of the Business Council.

SEC. 3. Appointive Officers. The duties of all committees and officers appointed by the Business Council shall be clearly defined in a resolution passed by the Council. Such committees and officers shall make reports to the Business Council as required.

SEC. 4. Tribal Clerk. The Tribal Clerk shall have charge of all funds in custody of the Business Council. He shall keep accurate records of all money

received and deposit it with the Superintendent or other approving depositories. He shall not pay out or otherwise disburse any funds coming into his custody by virtue of his office or in the possession or custody of the Business Council except when properly authorized to do so by the Business Council. He shall be required to make reports at specified times. The Credit Clerk shall be bonded to the Superintendent of the Colville Indian Agency, or to the Spokane Tribe, as a representative of the Spokane Tribe of Indians.

ARTICLE II — TIME AND PLACE OF MEETINGS

SECTION 1. Regular meetings of the Business Council shall be the third Friday of July, October, January, and April, at Wellpinit, Washington, at a designated building.

SEC. 2. Special meetings may be called at any time by the Chairman or a majority of the Council members.

SEC. 3. The April meeting shall be a General Spokane Indian Tribal meeting.

SEC. 4. Quorum. No business shall be transacted by the Business Council unless a quorum is present. A quorum shall consist of two members.

SEC. 5. Quorum. General Council. The quorum of the General Council shall consist of twenty-five (25) qualified voters of the Tribe.

SEC. 6. Order of Business. The following order of business is established for all meetings:

1. Call to order by Chairman
2. Roll call
3. Ascertainment of a quorum
4. Reading of the minutes of last meeting
5. Adoption of the minutes
6. Unfinished Business
7. New Business
8. Adjournment

SEC. 7. Compensation. The Business Council may prescribe such compensation of officers and members of the Council as it deems advisable from funds as may be available, subject to the approval of the Spokane Tribe.

ARTICLE III — RATIFICATION OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws shall be in full force and effective whenever a majority of the adult voters of the Spokane Tribe, voting at an election called for the purpose by the Commissioner of Indian Affairs, in which at least thirty percent of the eligible voters living on the Spokane Indian Reservation vote shall have ratified such Constitution and Bylaws and the Commissioner of Indian Affairs shall have approved same.

***

CERTIFICATE OF ADOPTION

Pursuant to the request of a majority of the Indians of the Spokane Reservation to obtain for themselves a representative organization, this Constitution and Bylaws was duly submitted by the Commissioner of Indian Affairs to the Adult Indians living on the Reservation for ratification and was on May 12, 1951, duly ratified by a vote of 95 for and 34 against, in an election which over thirty percent of those entitled to vote cast their ballots.

ALEX SHERWOOD
Chairman, Spokane Business Council
CLAIR WYNECOOP
Secretary, Spokane Business Council

FLOYD H. PHILLIPS
Superintendent, Colville Indian Agency

***

APPROVAL

This Constitution and Bylaws, having been proposed and duly ratified by the members of the Spokane Tribe of Indians on May 12, 1951, at referendum called by the Acting Commissioner of Indian Affairs, is herewith approved.

D. S. MYER
Commissioner

Washington, D. C.

***

CORPORATE CHARTER OF THE TULALIP TRIBES OF THE TULALIP RESERVATION, WASHINGTON

Ratified October 3, 1936

Whereas, the Tulalip Tribes of the Tulalip Reservation in Washington is a recognized Indian Tribe organized under a constitution and bylaws ratified by the Tribe on November 25, 1935, and approved by the Secretary of the Interior on January 24, 1936, pursuant to section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Tulalip Tribes of the Tulalip Reservation to be effective from and after such time as it may be ratified by a majority vote in an election at which at least thirty percent of the adult Indians living on the reservation shall vote.

1. Corporate Existence and Purposes. In order to further the economic development of the Tulalip Tribes of the Tulalip Reservation in Washington by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Tulalip Tribes."

2. Perpetual Succession. The Tulalip Tribes, shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Tulalip Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and Bylaws.

4. Management. The Board of Directors of the Tulalip Tribes established in accordance with the said Constitution and Bylaws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and Bylaws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and Bylaws:

(a) To adopt, use, and alter at is pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Tulalip Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Tulalip Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Tulalip Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but oil and gas leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Tulalip Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credity Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other Governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, other than indebtedness to the Indian Credit Fund, shall not exceed $7,500, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Washington including agreements with the State of Washington for the rendition of public service: Provided, That any contract involving payment of money by the corporation in excess of $1,000 in any one fiscal year

shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That such agreements of pledge or assignment, other than an agreement with the United States, shall not extend more than five years from the date of execution and shall not cover more than one-half the net tribal income from any one source: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Tulalip Board of Directors for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least thrity percent of the adult members of the Tribe residing on the reservation shall vote. If at any time after ten years from the effective date of this charter, such request shall be made and the Secretary shall disapprove or fail to approve or disapprove it within ninety days after its receipt, it may then be submitted by the Secretary of the Interior or by the Board of Directors to popular referendum of the adult members of the Tribe actually living within the reservation and if approved by two-thirds of the eligible voters, shall be effective.

7. Corporate Property. No property rights of the Tulalip Tribes, as heretofore constituted, shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property by members of the Tribe shall not be subject to any corporate debts or liabilities, without such owner's consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all profits of corporate enterprises or income over and above sums

necessary to defray corporate obligations and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits or income in any one year amounting to more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Board of Directors which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Tulalip Tribes living on the Tulalip Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tulalip Agency and the Chairman and Secretary of the Board of Directors of the Tulalip Tribes.

Submitted by the Secretary of the Interior for ratification by the Tulalip Tribes of the Tulalip Reservation in a popular referendum to be held on October 3, 1936.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

Washington, D. C. September 8, 1936.

***

CERTIFICATION

Pursuant to Section 17 of the Act of June 18, 1934, (48 Stat. 984), this charter, issued on September 8, 1936, by the Secretary of the Interior to the Tulalip Tribes of the Tulalip Reservation was duly submitted for ratification to the adult Indians living on the reservation and was on October 3, 1936, duly ratified by a vote of 85 for and 3 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

WILFRED STEVE,
Chairman, Tulalip Board of Directors.

O. C. UPCHURCH,
Superintendent, Tulalip Agency.

***

AMENDMENTS TO THE CORPORATE CHARTER OF THE
TULALIP TRIBES OF THE
TULALIP RESERVATION

Section 5 (b) (1) of the Tulalip Corporate Charter now reads as follows:

"No sale or mortgage may be made by the Tribes of any land or interests in land now or hereafter held by the Tribes unless specifically authorized by law now or hereafter enacted, except as provided in Section 5 (b) (2). Such sale or mortgage shall be with the consent of the Secretary of the Interior as long as required by law on such terms and conditions as the Tulalip Board of Directors may prescribe."

Section 5 (b) (3) of the Tulalip Corporate Charter amended to read as follows:

"No leases, permits (which terms shall not include land assignments to members of the Tribe) Oil and Gas leases, Water power leases or timber sale contracts covering any land or interests in land now or hereafter held by the tribe within the boundaries of the Tulalip Reservation shall be made by the Tribe for a longer term than is permitted by law."

Section 5 (d) amended to read as follows:

"To borrow money from any source of credit, either public or private, and to use such funds directly for any purpose authorized by the Constitution and Bylaws of said Tribes and their Corporate Charter, or to loan money thus borrowed to the Tulalip Tribes of Washington, to individual members thereof, or associations of members of the Tribes."

Section 5 (f) amended to read as follows:

"To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Corporate Charter, with any person, including the Tribes, tribal members and associations of members, association, corporation, municipality, county, and the United States of America or the State of Washington, including agreements therewith for the rendition of public service."

Section 5 (g) amended to read as follows:

"To pledge, mortgage, assign, hypothecate and otherwise encumber and deal in and with chattels and future tribal income due or to become due to the Tribes."

***

CONSTITUTION AND BY-LAWS FOR THE TULALIP TRIBES

WASHINGTON

Approved January 24, 1936

PREAMBLE

We, the Indians of the Tulalip Tribes, in order to establish a more perfect tribal organization, promote the general welfare, encourage educational progress, conserve and develop our lands and resources, and secure to ourselves and our posterity the power to exercise certain rights of home rule not inconsistent with the Federal, State, and local laws, do ordain and establish this constitution for the Tulalip Indians.

ARTICLE I — TERRITORY

The jursidiction of the Tulalip Tribes shall extend to the territory within the original confines of the Tulalip Reservation as set forth by Executive order of December 23, 1873, in pursuance of article III of the Treaty of Point Elliott, January 22, 1855 (12 Stats. 928), and to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Tulalip Tribes shall consist as follows:

(a) All persons of Indian blood whose names appear on the census roll of Tulalip Indians as of January 1, 1935: Provided, That such roll may be corrected within six months after approval of this constitution and by-laws by the board of directors with the approval of the Secretary of the Interior.

(b) All children born to any member of the Tulalip Tribes who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The board of directors shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership and the adoption of new members, making any necessary adjustments of property rights.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Tulalip Indians shall consist of a council, known as the Tulalip Board of Directors.

SEC. 2. This board shall consist of seven (7) members duly elected to serve three (3) years, two (2) being elected each year, except that every third year three (3) shall be elected.

SEC. 3. The General Council shall after each regular election select from the members of the board: (1) a chairman, (2) a vice chairman, (3) a secretary, (4) a treasurer; and the board may appoint or employ such other officers and committees as may be deemed necessary.

SEC. 4. The first election of the board of directors hereunder shall be called and supervised by the present tribal council at least thirty (30) days after the ratification and approval of this constitution. There shall be elected three (3) board members who shall hold office for three (3) years, two (2) board members who shall serve two (2) years, and two (2) board members who shall serve one (1) year; and they shall hold office until their successors are duly elected and qualified. After the first election, elections for the board of directors shall be called not more than sixty (60) days prior to the expiration of the terms of office of the members of the board of directors.

ARTICLE IV — ELECTION AND NOMINATION FOR THE BOARD OF DIRECTORS

SECTION 1. All enrolled members of the Tulalip Tribes twenty-one (21) years of age or over, who have maintained legal residence on the reservation for a period of one (1) year immediately prior to any election shall have the right to vote.

SEC. 2. The time and places of voting shall be designated by the board of directors.

SEC. 3. All elections shall be by secret ballot.

SEC. 4. Nominations of candidates for office under this constitution shall be by petition signed by not less than five (5) legal voters. A voter may sign only one (1) petition. Petitions for nomination shall be filed with the secretary of the board of directors at least thrity (30) days prior to the election for which the candidate makes such petition. The list of qualified candidates shall be posted by the secretary of the board of directors in a public place not less than two (2) weeks prior to the election.

SEC. 5. All elections shall be held in accordance with the rules and regulations laid down by the board.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a director or official shall die, resign, permanently leave the reservation, or shall be found guilty of a crime or misdemeanor involving dishonesty in any Indian, State, or Federal court, the board shall declare the position vacant and elect to fill the unexpired term.

SEC. 2. The board of directors may by a two-thirds affirmative vote expel any member for neglect of duty or gross misconduct. Before any vote of expulsion is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated council meeting; the decision of the tribal council shall be final.

ARTICLE VI — POWERS OF THE BOARD OF DIRECTORS

SECTION 1. Enumerated powers. The Board of Directors of the Tulalip Indian Reservation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws and subject to review by the general council:

(a) To negotiate with the Federal, State, and local governments on behalf of the tribes and to advise and consult with the representatives of the Interior Department

on all activities of the Department that may affect the Tulalip Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Tulalip Indians, the choice of counsel and fixing of fees to be subject to the approval of the tribe and of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other official or agency of government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding five (5) years, except for governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Tulalip Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of reservation land to members of the Tulalip Tribes in conformity with article VIII of this constitution.

(f) To manage all economic affairs and enterprises of the Tulalip Reservation in accordance with the terms of a charter to be issued to the Tulalip Indians by the Secretary of the Interior.

(g) To appropriate for salaries of tribal officials or for public purposes of the reservation any available tribal funds, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(h) To levy taxes upon members of the Tulalip Tribes and to require the performance of community labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.

(i) To exclude from the restricted land of the Tulalip Reservation persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To enact resolutions or ordinances not inconsistent with Article II of this constitution governing adoption and abandonment of membership.

(k) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Tulalip Tribes, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To safeguard and promote the peace, safety, morals, and general welfare of the Tulalip Reservation by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting non-members of the Tulalip Tribes shall be subject to review by the Secretary of the Interior.

(m) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Tulalip Tribes.

(n) To regulate the inheritance of property, real and personal, other than allotted lands within the territory of the Tulalip Reservation, subject to review by the Secretary of the Interior.

(o) To regulate the domestic relations of members of the tribes, subject to review by the Secretary of the Interior.

(p) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.

(q) To cultivate and preserve native arts, crafts, culture and Indian ceremonials.

(r) To adopt resolutions regulating the procedure of the board itself and of other tribal agencies and tribal officials of the reservation.

(s) To delegate to subordinate boards or to cooperative associations which are open to all members of the tribes any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Manner of review. Any resolution or ordinance, which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, within ten (10) days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the board of directors of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten (10) days after its enactment, he shall advise the board of directors of his reasons therefor. If these reasons appear to the board insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers. The board of directors of the Tulalip Reservation may exercise such further powers as may in the future be delegated to the board by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved powers. Any rights and powers heretofore vested in the tribes or bands of the Tulalip Reservation but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Tulalip Reservation through the adoption of appropriate by-laws and constitutional amendments.

SEC. 5. Manner of review by the general council. The chairman of the board of directors shall call a general council annually on election day, at which time he shall report in detail to the council what has been done during the past year and set forth the plans of the board for the coming year. This shall be freely discussed by the general council, and the wishes of the general council may be expressed by resolution or ordinance which shall govern the future action of the

board of directors, or repeal or amend any past action of such board, as of the date of such repeal or amendment.

The chairman shall call special meetings of the general council upon the written request of seven (7) voters.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. Suffrage. All members of the tribes over the age of twenty-one (21) shall have the right to vote in all tribal reservation elections. The residence qualifications established by Article IV of this constitution shall apply to all elections except elections for the amendment of this constitution and the attached by-laws.

SEC. 2. Economic rights. All members of the tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil liberties. All members of the tribes may enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of accused. Any member of the Tulalip Tribes accused of any offense shall have the right to a prompt, open, and public hearing, with due notice of the offense charged, and shall be permitted to summon witnesses on his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than thirty (30) days' imprisonment. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII — LAND

SECTION 1. Allotted lands. Allotted lands, including heirship lands, within the Tulalip Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington, or of the Federal Government, or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Tulalip Tribes, Likewise it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Tulalip Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands. The unallotted lands of the Tulalip Reservation, and all lands which may hereafter be acquired by the Tulalip Indians or by the United States in trust for the Tulalip Indians, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the Tulalip Tribes, or leased, or otherwise used by the tribes, for the common benefit of the members thereof.

SEC. 3. Leasing of tribal lands. Tribal lands may be leased by the board of directors, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and, secondly, to individual Indians who are members of the Tulalip Tribes.

SEC. 4. Grant of "standard" assignments. In any assignment of tribal lands which now are owned by the tribes or which hereafter may be acquired for the tribes by the United States or purchased by the tribes out of tribal funds, preference shall be given, first, to heads of families which have not allotted lands or interests in allotted lands.

No allotted member of the Tulalip Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The board of directors may, if it sees fit, charge a fee of not to exceed $5 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as standard assignments.

SEC. 5. Tenure of standard assignments. If any member of the tribes holding a standard assignment of land shall, for a period of two (2) years, fail to use the land so assigned or use such land for any unlawful purposes, his assignment may be cancelled by the board of directors after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him by will or by written request shall have a preference in the reassignment of the land, provided such persons are members of the Tulalip Tribes who would be eligible to receive a "standard" assignment.

SEC. 6. Grant of "exchange" assignments. Any member of the tribes who owns any restricted or unrestricted land or any interest therein may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land to the tribes in exchange for an assignment to the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange" assignments.

SEC. 7. Leasing of exchange assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribes, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the board of directors to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Tulalip Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than forty (40) acres of uncleared land or other land or interest in land of equal value, either under allotment or under assignment.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of uncleared land shall be subdivided into units smaller than (20) acres, and no area of agricultural land shall be subdivided into units smaller than two and one-half (2 1/2) acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees interests in tribal land or property of the same value as the assignment of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by member of the Tulalip Indians or otherwise disposed of under such regulations as the board of directors shall provide. No permanent improvements shall be removed from the land without the consent of the board of directors.

SEC. 10. Exchange of assignments. Assignments may be exchanged between members of the Tulalip Tribes by common consent in such manner as the board of directors shall designate.

SEC. 11. Use of unassigned community land. Community land which is not assigned, including community timber reserves, shall be managed by the board of directors for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole. All action of the board of directors with respect to such lands shall be in conformity with departmental regulations for protection of Indian range and timber resources authorized by section 6 of the act of June 18, 1934.

SEC. 12. Purchase of land by tribes. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:

(a) Land within the Tulalip Reservation or adjacent to the boundaries thereof which is not now in Indian ownership may be purchased by or for the Tulalip Indians.

(b) Restricted land which is in heirship status at the time of the adoption and approval of this constitution may be purchased by or for the tribes, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment thereof to be made as may be agreed upon.

(c) Land owned by any member of the tribes who is over the age of sixty (60) years, or who is physically incapacitated, may be transferred by its owner to the tribes in exchange for a pension of not more than twice the annual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land owned by any member of the community in excess of his needs for domestic purposes may be purchased by the community, with the consent of the owner, payments to be made under such terms as may be agreed upon by the Senate and owner.

(e) Land owned by any member of the tribes who desires to leave the reservation permanently may be purchased by the tribes, under such terms as may be agreed upon.

SEC. 13. Method of making assignments. Applications for assignment shall be filed with the secretary of the board and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three (3) conspicuous places on the reservation for not less than twenty (20) days before action is taken by the board. Any member of the tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the board, and may if he so desires appear before the board to present evidence. The secretary of the board shall furnish the superintendent or other officers in charge of the agency a complete record of all action taken by the board on applications for assignment of land, and a complete record of all action taken by the board on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribes.

The board shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX — AMENDMENTS

Amendments to the constitution and by-laws may be ratified and approved in the same manner as this constitution and by-laws.

Whenever five members of the council shall consider an amendment necessary such amendment shall be duly approved by five or more members of the council and sent to the Secretary of the Interior. It shall then be the duty of the Secretary of the Interior to call an election, If at such election the amendment is adopted by a majority of the qualified voters of the tribe voting therein and if at least thirty percent (30%) of those entitled to vote shall vote in such election, such amendment shall be submitted to the Secretary of the Interior and, if approved by him, shall thereupon take effect.

***

BY-LAWS FOR THE TULALIP TRIBES OF WASHINGTON

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the board. The chairman of the board shall preside over all meetings of the board, shall perform all duties of a chairman and exercise any authority delegated to him by the board. He shall vote only in the case of a tie.

SEC. 2. Vice chairman of the board. The vice chairman shall assist the chairman when called upon so to do and in the absence of the chairman he shall preside. When so presiding he shall have all the rights, privileges, and duties as well as the responsibilities of the chairman.

SEC. 3. Secretary of the board. The secretary of the board of directors shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at board meetings. It shall be his duty to submit promptly to the superintendent of the jurisdiction and Commissioner of Indian Affairs copies of all minutes of regular and special meetings of the board of directors.

SEC. 4. Treasurer of the board. The treasurer of the board of directors shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the board, whether same be tribal funds or special funds for which the board is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the board and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the board at regular meetings and at such other times as requested by the board.

He shall not pay out or otherwise disburse any funds in his possession or custody, or in the possession or custody of the tribal board, except when properly authorized so to do by resolution duly passed by the board.

The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the board and at such other times as the board or the Commissioner of Indian Affairs may direct.

The treasurer shall be required to give a bond satisfactory to the board and to the Commissioner of Indian Affairs.

The treasurer shall be present at all special or regular meetings of the council.

SEC. 5. Appointive officers. The duties of all appointive committees or officers of the Tulalip Indians shall be clearly defined by resolution of the board at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the board, and their activities and decisions shall be subject to review by the board upon the petition of any person aggrieved.

ARTICLE II — QUALIFICATIONS OF DIRECTORS

No person shall be a candidate for membership in the board of directors unless he shall be a member of the Tulalip Tribes and shall have resided upon the reservation for a period of one (1) year next preceding the election and shall be at least twenty-one (21) years of age.

ARTICLE III — CERTIFICATION OF ELECTION

It shall be the duty of the members of the board of directors to certify to the election of the duly elected board members. This shall be done immediately, and the certificate filed with the secretary.

ARTICLE IV — INSTALLATION OF DIRECTORS

Newly elected members who have been duly certified shall be installed at the first regular meeting of the board of directors following the election upon subscribing to the following oath:

I, ----------, do hereby solemnly swear (or affirm) that I shall preserve, support, and protect the Constitution of the United States and the constitution and by-laws of the Tulalip Indians to the best of my ability, so help me God.

ARTICLE V — TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURES

SECTION 1. Meetings. Regular meetings of the board of directors shall be held on the first Tuesday of each month at Tulalip, Wash., at a designated building or hall where official records will be kept. Special meetings may be called by a written notice signed by the chairman or by a majority of the board of directors and when so called the board of directors shall have power to transact business as in regular meetings.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of five (5) directors. A quorum of the general council shal consist of forty (40) voters at the annual meeting and twenty-five (25) voters at a called meeting.

SEC. 3. Order of business. The following order of business is established for all meetings:

Call to order by the chairman.
Roll call.
Ascertainment of a quorum.
Reading the minutes of the last meeting.
Adoption of the minutes by vote or common consent.
Unfinished business.
New business.
Adjournment.

SEC. 4. Ordinances and resolutions. All final decisions of the board or of the general council on matters of general and permanent interest to the members of the tribes shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the tribes.

All final decisions of the board or of the general council on matters of temporary interest (such as action on the reservation budget for a single year, or petitions to Congress or to the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members, instructions for tribal employees or rules of order for the board) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by ruling of the chairman if no objection is heard.

In all ordinances, resolutions, or motions the board may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement, and parliamentary procedure shall otherwise be governed by Robert's Rules of Order.

SEC. 5. Legislative forms. Every ordinance shall begin with the words: "Be it enacted by the board of directors (or the general council) of the Tulalip Tribes ----------."

Every resolution shall begin with the words: "Be it resolved by the board of directors (or the general council) of the Tulalip Reservation ----------."

Every ordinance or resolution shall contain a citation of the laws of the United States and the provisions of the Tulalip constitution under which authority for the said ordinance or resolution is found.

ARTICLE VI — CENTRAL GENERAL COUNCIL

SECTION 1. The board of directors shall have the power to select delegates to sit in a Central General Council of Northwest Indians.

ARTICLE VII — ADOPTION

This constitution and by-laws attached hereto shall be in full force and effect whenever a majority of the adult voters of the Tulalip Tribe voting at an election called by the Secretary of the Interior in which at least thirty (30%) percent of the eligible voters shall vote, shall have ratified such constitution and by-laws, and the Secretary of the Interior shall have approved same, as provided in the act of June 18, 1934, as amended by the act of June 15, 1935.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved October 29, 1935, by the Secretary of the Interior, the attached constitution and by-laws were submitted for ratification to the Indians of the Tulalip Tribes and were on November 23, 1935, duly adopted by a vote, 98 for and 9 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the act of June 15, 1935 (Pub. No. 147, 74th Cong.).

JOSEPH JAMES,
Chairman of Election Board.
WILFRED STEVE,
Chairman, Tulalip Tribal Council.
SEBASTIAN WILLIAMS,
Secretary, Tulalip Tribal Council.

O. C. UPCHURCH,
Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18. 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Indians of the Tulalip Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or by-laws are hereby declared inapplicable to the Indians of the Tulalip Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 18, 1936.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

CHARLES WEST,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., January 24, 1936.

***

AMENDMENT CONSTITUTION AND BY-LAWS FOR THE TULALIP TRIBES, WASHINGTON

AMENDMENT 1. That the words "unexpired term" in section 1, Article V of the Constitution and By-laws be changed to read: "vacancy until the next general election."

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved February 11, 1941, by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and By-laws of the Tulalip Tribes was submitted for ratification to the qualified voters of the Tulalip Reservation and on March 8, 1941, was ratified by a vote of 120 for, and 6 against in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

LAWRENCE WILLIAMS,
Chairman, Board of Directors, Tulalip Tribes.

O. C. UPCHURCH,
Superintendent, Tulalip Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I, amending section I of Artice V of the Constitution and By-laws of the Tulalip Tribes, Washington.
Approval recommended: May 5, 1941.

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.
[SEAL]

WASHINGTON, D.C., May 9, 1941.

***

AMENDMENT II

Article II, Section 1 (a) of the Tulalip Constitution which reads as follows:

"(a) All persons of Indian blood whose names appear on the census roll of Tulalip Indians as of January 1, 1935; Provided, That such roll may be corrected within six months after approval of this constitution and by-laws by the board of directors with the approval of the Secretary of the Interior."

shall be amended to read as follows:

"(a) All persons of Indian blood whose names appear on the census roll of Tulalip Indians as of January 1, 1935; Provided, That such roll may be corrected within fifteen years after approval of this constitution and by-laws by the board of directors with the approval of the Secretary of the Interior."

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved March 1, 1948, by the Assistant Secretary of the Interior, the foregoing Amendment II to the Constitution and by-laws for the Tulalip Tribes, Washington, was submitted for ratification to the Indians of the Tulalip Tribes and was on March 20, 1948, duly adopted by a vote of 70 for, and 1 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

WILFRED STEVE,
Chairman, Tulalip Board of Directors.
EDITH PARKS,
Secretary, Tulalip Board of Directors.

F. A. GROSS,
Superintendent, Tulalip Agency

***

APPROVAL

I, William E. Warne, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve Amendment II to the Constitution and By-laws for the Tulalip Tribes, Washington.

June 22, 1948.

Approval recommended:
WILLIAM ZIMMERMAN, JR.
Acting Commissioner.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

WASHINGTON, D. C., June 23, 1948

***

AMENDMENT III

Article VI, Section 1 (c) of the Tulalip Constitution which reads as follows:

"(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other official or agency of government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding five (5) years, except for governmental purposes."

shall be amended to read as follows:

"(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other official or agency of government, provided that no tribal lands shall ever be sold, encumbered, or leased for a period exceeding that permitted by law, except for governmental purposes."

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved March 1, 1948, by the Assistant Secretary of the Interior, the foregoing Amendment III to the Constitution and By-laws for the Tulalip Tribes, Washington, was submitted for ratification to the Indians of the Tulalip Tribes and was on March 20, 1948, duly adopted by a vote of 68 for and 2 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935, (49 Stat. 378).

WILFRED STEVE
Chairman, Tulalip Bd. of Dir.
EDITH PARKS
Secretary, Tulalip Bd. of Dir.

F. A. GROSS
Superintendent, Tulalip Agency

Approval Recommended 6/22/48

WILLIAM ZIMMERMAN, JR.
Acting Commissioner

Approved:

WILLIAM E. WARNE
Asst. Secy. of Interior
Washington, D. C. 6/23/48

***

AMENDMENT IV

Article II, Section 1 (a), as amended, of the Tulalip Constitution and Bylaws which reads as follows:

"(a) All persons of Indian blood whose names appear on the census roll of Tulalip Indians as of January 1, 1935; Provided, That such roll may be corrected within fifteen years after approval of this constitution and by-laws by the board

of directors with the approval of the Secretary of the Interior."

shall be further amended to read as follows:

"(a) All persons of Indian blood whose names appear on the census roll of Tulalip Indians as of January 1, 1935; Provided, That such roll may be corrected within twenty-five years and three months after approval of this constitution and bylaws by the Board of Directors with the approval of the Secretary of the Interior."

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved February 18, 1959, by the Assistant Secretary of the Interior, the foregoing Amendment IV to the Constitution and Bylaws for the Tulalip Tribes, Washington, was submitted for ratification to the Indians of the Tulalip Tribes and was on March 14, 1939 duly adopted by a vote of 102 for, and 7 against, in an election in which at least thrity percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

GEORGE S. WILLIAMS
Chairman, Tulalip Board of Directors

CHARLES SHELDON
Secretary, Tulalip Board of Directors

C.W. RINGEY
Superintendent, Western Washington Agency

Approval recommended

GLENN L. EMMONS
Commissioner of Indian Affairs

Approved:

ROGER ERNST
Asst. Secy. of Interior
Washington, D. C. 4/24/59

***

CORPORATE CHARTER OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION, OREGON

[Paiute, Walla Walla, Chinook, Cayusa, and the Wasco]

Ratified April 23, 1938

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Confederated Tribes of the Warm Springs Reservation of Oregon are a recognized Indian tribe organized under a constitution and by-laws ratified by the members of the Confederated Tribes on December 18, 1937, and approved by the Assistant Secretary of the Interior on February 14, 1938, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Confederated Tribes have petitioned that a charter of incorporation be granted to said Confederated Tribes, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Confederated Tribes of the Warm Springs Reservation of Oregon, to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least 30 per cent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Confederated Tribes of the Warm Springs Reservation of Oregon by conferring upon the said Confederated Tribes certain corporate rights, powers, privileges and immunities; to secure for the members of the Confederated Tribes and assured economic independence; and to provide for the proper exercise by the Confederated Tribes of various functions heretofore performed by the Department of the Interior, the aforesaid Confederated Tribes are hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Confederated Tribes of the Warm Springs Reservation of Oregon."

2. Perpetual Succession. The Confederated Tribes shall, as a Federal corporation, have perpetual succession.

3. Membership. The Confederated Tribes shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Confederated Tribes, as provided by its duly ratified and approved constitution and by-laws.

4. Management. The Tribal Council established in accordance with the said constitution and by-laws of the Confederated Tribes, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Confederated Tribes, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Confederated Tribes, shall have the following corporate

powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Confederated Tribes of any land, or interests in land, including water power sites, now or hereafter held by the Confederated Tribes.

(2) No mortgage may be made by the Confederated Tribes of any standing timber on any land now or hereafter held by the Confederated Tribes within the boundaries of the Warm Springs Reservation.

(3) No leases, permits (which terms shall not include land assignments to members of the Confederated Tribes) or timber-sale contracts covering any land or interests in land now or hereafter held by the Confederated Tribes within the boundaries of the Warm Springs Reservation shall be made by the Confederated Tribes for a longer term than ten years, and all such leases, permits, or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law. Power sites may be leased with the consent of a majority of the voters of the Confederated Tribes voting at an election in which at least 30 per cent of the eligible voters vote.

(4) Every action shall be taken by and in behalf of the Confederate Tribes which may operate to prevent destruction or injury to tribal grazing lands, timber, or other natural resources of the Warm Springs Reservation. All leases, permits and timber-sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credity Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Confederated Tribes, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Confederated Tribes: Provided, That the amount of indebtedness to which the Confederated Tribes may subject itself, aside from loans from the Indian Credit Fund, shall not exceed $25,000.00, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Confederated Tribes, or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Oregon, including agreements with the State of Oregon for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of $2,500.00 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative, and shall be subject to the restrictions contained in Article V, Section (t) of the Constitution.

(g) To pledge or assign chattels or future tribal income due or to become due to the Confederated Tribes: Provided, That assignments of tribal income, other than an assignment to the United States, shall not extend more than ten years from the date of execution and shall not amount for any one year to more than $25,000.00: And, provided further, That any such pledge or assignment shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any National or State bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the postal savings bank or with a bonded disbursing officer of the United States to the credit of the Confederated Tribes.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Confederated Tribes or by the United States to the levy of any judgment, lien, or attachment upon the property of the Confederated Tribes other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request by the Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (3), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Confederated Tribes. The termination shall be effective upon ratification by a majority vote of the adult members of the Confederated Tribes residing on the reservation, at an election in which at least 30 per cent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Confederated Tribes actually living within the reservation, and if the termination is approved by two-thirds of the eligible voters it shall be effective.

7. Corporate Property. No property rights of the Confederated Tribes of the Warm Springs Reservation shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Confederated Tribes shall not be subject to any corporate debts or liabilities without such owners' consent. Any existing lawful debts of the Confederated Tribes shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

8. Corporate Dividends. The Confederated Tribes may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the tribe and may distribute per capita, among the recognized members of the Confederated Tribes, all profits of corporate enterprises over and above sums necessary to defray corporate obligations to members of the Confederated Tribes or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a per capita cash payment of $100 or more, shall not be made without the approval of the Secretary of the Interior.

9. Corporate Accounts. The officers of the Confederated Tribes shall maintain accurate and complete public accounts of the financial affairs of the Confederated Tribes, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Confederated Tribes to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolution of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least 30 per cent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Confederated Tribes living on the Warm Springs Reservation in Oregon, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Warm Springs Agency and the President and Secretary of the Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Confederated Tribes of the Warm Springs Reservation in Oregon.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., March 31, 1938.

***

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984) this Charter, issued on March 31, 1938 by the Assistant Secretary of the Interior to the Confederated Tribes of the Warm Springs Reservation, was duly submitted for ratification to the adult members residing within the Reservation and was on April 23, 1938, duly ratified by a vote of 180 for and 62 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

GEORGE MEACHEM,
President of the Tribal Council.
HAROLD V. LEWIS,
Secretary of the Tribal Council.

J. W. ELLIOTT,
Superintendent of the Warm Springs Agency.

***

CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

Approved February 14, 1938

PREAMBLE

We, the Confederated Tribes of the Warm Springs Reservation of Oregon, in order to establish a more responsible and effective organization to promote our general welfare, conserve and develop our lands and other resources, and secure to ourselves and our posterity the power to exercise certain rights of self-government not inconsistent with existing Federal and State laws, do ordain and establish this Constitution of the Confederated Tribes of the Warm Springs Reservation of Oregon.

ARTICLE I — OBJECTIVES

It shall be the object of the Confederated Tribes of the Warm Springs Reservation of Oregon:

(a) To establish and maintain, with the aid of the Federal Government, a form of home rule that shall promote the advancement and welfare of the Indians of the Warm Springs Reservation.

(b) To establish and enforce such rules as may be necessary to safeguard Indian property and resources for the use of present and future generations.

(c) To obtain for all Indians of this Reservation of the present and future generations lands needed for homes and livelihood.

ARTICLE II — TERRITORY

The jurisdiction of the Confederated Tribes of the Warm Springs Reservation of Oregon shall extend to all lands contained within the present boundaries of the Warm Springs Reservation and to such lands as may have been heretofore or may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation or by the United States in trust for such tribes.

ARTICLE III — MEMBERSHIP

SECTION 1. Membership of Allottees. Every living person whose name appears on the allotment roll of the Warm Springs Reservation of Oregon, shall be entitled to membership in the Confederated Tribes of the Warm Springs Reservation of Oregon; Provided, That the Tribal Council shall have authority, subject to the approval of the Secretary of the Interior, within one year from the approval of this Constitution, to make corrections in said roll to the end that it may be an accurate record of the membership of the Tribe.

SEC. 2. Membership of Descendants. (a) Every child of one-fourth or more Indian blood born heretofore or hereafter to any member of the Confederated Tribes who maintains a residence upon the Warm Springs Reservation at the time of such birth shall automatically be entitled to membership.

(b) Children born heretofore or hereafter to a member or former member of any of the Confederated Tribes of the Warm Springs Reservation may be adopted as provided in Section 3 of this Article, upon application by self, parent or guardian.

SEC. 3. Adoption. The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote, adopt as a member of the Tribe any person of 1/8 or more Indian blood who is a descendant of a member or former member of the Confederated Tribes: Provided, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation, and shall not be a member of any other tribe of Indians.

(See Amendment I)

SEC. 4. Loss of Membership. In no case shall a member lose his membership other than by personal request in writing to the Tribal Council

ARTICLE IV — ORGANIZATION OF TRIBAL COUNCIL

SECTION 1. Composition. The Tribal Council shall be composed of members chosen as hereinafter provided. The Council shall consist of eleven members, to be selected from the districts as set forth hereafter.

SEC. 2. Apportionment. Representation from the districts shall be as follows: Simnasho District, 3 elected members and the recognized chief of the district, or his successors; Agency District, 3 elected members, one of whom shall represent the Sidwaller Flat area, together with the recognized chief of the district, or his successors; Seekseequa District, 2 elected members and the recognized chief of the district, or his successors.

SEC. 3. Term of Office. Members of the Council shall be elected for terms of three years except that the chiefs shall serve for life, and their successors shall be selected in accordance with tribal custom.

SEC. 4. First Election. The first election of the Tribal Council shall be called by the present Business Committee as soon as possible after the adoption and approval of this Constitution.

SEC. 5. Right to Vote. All members of the Community of either sex, who are married, or who are over 21 years of age, are entitled to vote in the district in which they reside.

SEC. 6. Time of Election. Elections for membership on the Council shall be set by the Tribal Council at least 30 days in advance of the expiration of the term of office of the members. Duly elected councilmen shall take office on the first regular meeting date of the Council following their election.

SEC. 7. Manner of Elections. Elections shall be by secret ballot or by prevailing customs, as may be desired by the people of the district.

SEC. 8. Vacancies and Removal from Office. If a councilman or official shall die, resign, permanently leave the reservation, or be removed from office, the Council shall declare the position vacant and appoint a successor to fill the unexpired term; Provided, That the person chosen to fill such vacancy shall be from the district in which the vacancy occurs.

SEC. 9. Impeachment. The Council may expel a member for cause by a 2/3 vote, after due notice of charges and allowing an opportunity to be heard.

SEC. 10. Recall. A member of the Council may be recalled by the electors of his district in an election which shall be called by the Tribal Council upon presentation of a petition for the recall of such member signed by at least 30 per cent of the eligible voters of the district. Successors to recalled councilmen shall be elected.

SEC. 11. Officers. The tribal Council shall select from its membership, a Chairman and Vice-Chairman, and from within or outside of its membership, a Secretary-Treasurer, It may also select such other officers and committees as it may deem necessary for properly conducting the business of the Council.

ARTICLE V — POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Tribal Council of the Warm Springs Reservation shall have the following powers the exercise of which shall be subject to popular referendum as provided hereafter:

(a) To negotiate with the Federal, State, and local governments on behalf of the Confederated Tribes, and to advise and consult with the representatives of the Interior Department on all activities of the Department of the Interior that may affect the Confederated Tribes of the Warm Springs Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the Confederated Tribes and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other duly qualified official or agency of Government; Provided, That no tribal lands shall ever be sold, encumbered or leased for a period exceeding ten years, except for governmental purposes.

(See Amendment VII)

(d) To submit through proper Government channels recommendations for the expenditure of Federal funds for tribal support, reimbursable assistance, reservational improvements, health, education, and other necessary activities looking toward the advancement of the members of the Confederated Tribes.

(e) To borrow money from the Federal Government in accordance with the terms of a corporate charter to be issued to the Confederated Tribes of the Warm Springs Reservation of Oregon.

(f) To manage the economic affairs of the Confederated Tribes and to appropriate available funds for public purposes.

(g) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the Reservation, either on tribal or allotted lands. This power may also extend to members of the Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.

(See Amendment VI)

(h) To exclude from the territory of the Confederated Tribes persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.

(i) To establish ordinances, subject to review by the Secretary of the Interior, governing law enforcement on the reservation, and to set up courts for the trial and punishment of offenders against such ordinances, in cases that do not fall within the jurisdiction of the Federal Court.

(j) To purchase land of members of the Confederated Tribes for public purposes under condemnation proceedings in courts of competent jurisdiction.

(k) To prohibit the overgrazing of lands or other depletion of the capital or natural resources of the Tribe by ordinances which shall be subject to approval by the Secretary of the Interior.

(l) To regulate the uses and disposition of tribal property; to protect and preserve the tribal property, wild life and natural resources; to cultivate Indian arts, crafts and culture; to administer charity; to protect the health, security and general welfare of the members of the Confederated Tribes.

(m) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of the Confederated Tribes.

(n) To establish ordinances relating to the assignment, use, or transfer of tribal lands within the jurisdiction in conformity with Article VIII of this Constitution.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Confederated Tribes.

(p) To regulate the domestic relations of members of the Confederated Tribes.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution subject to review by the Secretary of the Interior.

(r) To make recommendations to the Superintendent or the Commissioner of Indian Affairs or the Secretary of the Interior concerning the appointment and removal of employees assigned to duties on the Warm Springs Reservation.

(s) To appoint subordinate boards and tribal officials, and to provide for the popular election of subordinate district councils, and to delegate to such boards, councils, or officials or to co-operative associations which are open to all members of the Confederated Tribes, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(t) To appropriate for tribal use of the reservation any available applicable tribal funds: Provided, That any such appropriation exceeding $2,500 shall be subject to review by the Secretary of the Interior: And provided, further, That any appropriation in excess of $5,000 in any one fiscal year shall be of no effect until approved in a popular referendum.

(See Amendment III)

(u) To adopt resolutions or ordinances to effectuate any of the foregoing powers.

SEC. 2. Manner of Review. Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall within ten days thereafter approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Confederated Tribes of such rescission.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days after its enactment, he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future Powers. The Tribal Council of the Warm Springs Reservation may exercise, subject to popular referendum, such further powers as may in the future be delegated to the Confederated Tribes by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved Powers. Any rights and powers heretofore vested in the Confederated Tribes of the Warm Springs Reservation but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the members of the Confederated Tribes through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VI — INITIATIVE AND REFERENDUM

Whenever a matter of great importance comes before the Tribal Council, the councilmen shall, by resolution duly passed, submit the matter to the vote of the people. If they do not so agree to submit the question, any two members of the council, or one-fifth of the members of the Confederated Tribes, may within 30 days after the vote of the Council, call such a popular referendum, but no councilman shall call more than two referendum elections during any calendar year. When a referendum election has been called, the question to be voted on shall be posted at the voting places for at least ten days prior to election. The notice shall contain the ordinance or resolution to be voted on with the accompanying words: "Shall the ordinance (or resolution) be approved. Yes. ( ). No. ( )." The will of the majority of those voting shall be the law, provided at least one-third of the eligible voters actually vote.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. All members of the Confederated Tribes shall be accorded equal opportunities to participate in the economic resources and activities of the Reservation.

SEC. 2. All members of the Confederated Tribes may enjoy without hindrance, freedom of worship, speech, press and assembly.

SEC. 3. Any member of the Confederated Tribes accused of any offense, shall have the right to a prompt, open and public hearing, with due notice of the offense

charged, and shall be permitted to summon witnesses in his own behalf and trial by jury shall be accorded, when duly requested by any member accused of any offense punishable by more than 30 days' imprisonment. Excessive bail or cruel or unusual punishment shall not be imposed.

ARTICLE VIII — LAND

SECTION 1. Allotted Lands. Allotted lands, including heirship lands, within the Warm Springs Reservation, shall continue to be held as heretofore by their present owners. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Confederated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

The Tribal Council shall have the right to exchange tribal lands for individual allotments when necessary for consolidation of tribal holdings and subject to approval of the Secretary of the Interior. Such exchanges shall be based on the appraised value of the lands so exchanged, and the individual Indian shall hold the land so exchanged in the same manner as the original allotment, or as an exchange assignment at the option of the owner.

SEC. 2. Tribal Lands. The unallotted lands of the Warm Springs Reservation, and all lands which may hereafter be acquired by the Confederated Tribes of the Warm Springs Reservation, or by the United States in trust for the Confederated Tribes of the Warm Springs Reservation, shall be held as tribal land, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individuals, but may be assigned to members of the Confederated Tribes, or leased, or otherwise used by the Confederated Tribes as hereinafter provided.

SEC. 3. Leasing of Tribal Lands. Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In leasing of tribal lands preference shall be given first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Confederated Tribes. No lease of tribal land to a nonmember shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Confederated Tribes is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. Grants of Standard Assignments. In any assignment of tribal lands which now are owned by the Confederated Tribes or which may hereafter be acquired for the Confederated Tribes by the United States, or purchased by the Confederated Tribes out of tribal funds, preference shall be given, first, to heads of families which are entirely landless, and second, to members of the Confederated Tribes having allotted lands, or interests in inherited lands, which are for one reason or another unsuitable for economical use, who may be benefited by exchanging such interests for tribal lands suitable for cultivation.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and for Indians whose present land holdings are not suitable for economical use.

Tribal lands under this section may be assigned by the Tribal Council in economic units, (but not in excess of 40 acres of irrigated farm land, or 80 acres of dry-farm land to any head of a family.)

No allotted member of the Confederated Tribes who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Council may, if it deems advisable, charge a fee of not to exceed $5.00 on approval of an assignment of land made under this section.

(See Amendment II)

SEC. 5. Tenure of Standard Assignments. If any member of the Confederated Tribes holding a standard assignment of land shall, for a period of two years, abandon, or fail to put forth reasonable efforts to improve and use beneficially the land so assigned, or shall use such land for any unlawful purpose, his assignment may be cancelled by the Tribal Council after he has had due notice and an opportunity to be heard, and the said land may be re-assigned in accordance with the provisions of Section 4 of this article.

Upon the death of any Indian holding a standard assignment, his heirs, or other individuals designated by him by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Confederated Tribes who would be eligible to receive a standard assignment.

SEC. 6. Grant of Exchange Assignments. Any member of the Confederated Tribes who owns an allotment or any share of heirship land, or any unencumbered deeded land within the reservation, may voluntarily transfer his interests in such land to the Confederated Tribes in exchange for an assignment to the same land, or to other lands of equal value, as an exchange assignment. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "exchange assignments."

SEC. 7. Leasing of Exchange Assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Confederated Tribes, or if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 8. Inheritance of Exchange Assignments. Upon the death of the holder of an exchange assignment, his land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Confederated Tribes, except that a life assignment may be made to the surviving widower or widow of the holder of an assignment.

(b) Such lands may not be subdivided into units smaller than 160 acres of grazing land, and no area of agricultural land shall be subdivided into units smaller than two and one-half acres, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to the eligible heirs or devisees, grazing permits or other interests in tribal lands of the same value as the assignment of the decedent.

(c) Such lands may not be reassigned to any heir or devisee who already holds more than 640 acres of grazing land, or other land or interests in lands of equal value, either under allotment or under assignment.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 4 of this article.

SEC. 9. Inheritance of Improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Confederated Tribes, or otherwise disposed of under such regulation as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SEC. 10. Exchange of Assignments. Assignments may be exchanged between members of the Confederated Tribes by common consent in such manner as the Tribal Council shall designate.

SEC. 11. Use of Unassigned Tribal Land. Tribal land which is not assigned, including tribal timber reserves, shall be managed by the Tribal Council for the benefit of the members of the entire community, and any cash income derived from such land shall accrue to the benefit of the community as a whole.

SEC. 12. Purchase of Land by the Community. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land under the following conditions:

(a) Land within the Warm Springs Reservation, or adjacent to the boundaries thereof, which is not now in Indian ownership may be purchased by or for the Confederated Tribes.

(b) Restricted land which is in heirship status at the time of the adoption and approval of this Constitution, or which may hereafter fall into heirship status, may be purchased by or for the Confederated Tribes, with the consent of all the adult heirs, and the legal guardians of minor heirs, or incompetent heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the Confederated Tribes who is over the age of 60 years, or who is physically incapacitated may be transferred by its owner to the Confederated Tribes in exchange for a pension of not less than $15.00, or more than $30.00 per month, at the discretion of the Council, for the remainder of his natural life, or he may, at his own option, transfer his land to the Confederated Tribes in exchange for a consideration to be mutually agreed upon between the owner and the Tribal Council, such consideration to be paid in ten equal annual installments, either to the transferor or in the case of his death, to his heirs. Purchases made under this section shall be made from available tribal funds.

(d) Land in excess of 320 acres owned by any member of the Confederated Tribes may be purchased with the consent of the owner, payments to be made under such terms as may be agreed upon.

(e) Land owned by any member of the Confederated Tribes who desires to leave the Reservation permanently may be purchased by the Confederated Tribes, under such terms as may be agreed upon.

SEC. .3. Method of Making Assignments. Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than 20 days before action is taken by the Council.

Any member of the Confederated Tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by all members of the Confederated Tribes.

ARTICLE IX — AMENDMENTS

SECTION 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided at least 30 per cent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of two-thirds of the Council, or upon presentation of a petition signed by one-third of the qualified voters, members of the Confederated Tribes.

***

BY-LAWS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. President. It shall be the duty of the President of the Council to preside over all meetings of the Council, perform all duties of chairman, and exercise any authority detailed to him, and he shall vote only in case of a tie.

SEC. 2. Vice-President. The Vice President shall preside at any meeting of the Council from which the President is absent, and in the event of the death of the President or his resignation or removal from office, he shall serve the remainder of the term as President.

SEC. 3. Secretary-Treasurer. The Secretary-Treasurer shall conduct the correspondence of the Tribal Council, shall keep all records, minutes of meetings,

roster of members, records as to expenditures and allotments of tribal, gratuitous, or other funds over which the Council has sole charge. He shall keep an accurate record of all members of the Confederated Tribes, and prepare necessary resolutions for appropriate action by the Council; he shall prepare or cause to be prepared by such assistants as are assigned to him by the President, such reports or registers as the President or Council may direct. He shall be required to give bond acceptable to the Confederated Tribes and the Commissioner of Indian Affairs.

ARTICLE II — QUALIFICATIONS OF OFFICE

No person shall represent the Confederated Tribes on the Council unless he is a duly enrolled member of the community who has attained the age of 21 years, and who has never been convicted of a major crime.

ARTICLE III — SALARIES

The councilmen shall receive as compensation for their services, not to exceed $3.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen.

(See Amendment IV)

ARTICLE IV — MEETINGS AND PROCEDURE

SECTION 1. The Tribal Council shall assemble on the first Monday of every month.

SEC. 2. A special meeting may be called upon two days' notice by the President or by any four members of the Council.

SEC. 3. A majority of the members shall constitute a quorum to do business.

SEC. 4. The Council may determine the rules of its proceedings and may punish its members for disorderly behavior.

SEC. 5. The official meeting place of the Tribal Council shall be at the agency headquarters unless otherwise agreed.

SEC. 6. No member of the Council shall cast a vote on any question in which he may have a personal pecuniary interest.

SEC. 7. The duties of all appointed boards or officers of the organization shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the Council, and their activities and decisions shall be subject to review by the Council upon petition of any persons aggrieved.

SEC. 8. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-Laws. The following form of oath of office shall be given: "I ----------, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, carry out faithfully and impartially the duties of my office to the best of my ability, and cooperate, promote, and protect the

best interests of my Tribe, in accordance with this Constitution and By-Laws."

SEC. 9. It shall be the duty of each member of the Tribal Council to make reports to the district from which he is elected concerning the proceedings of the Tribal Council.

SEC. 10. All final decisions of the Council on matters of general and permanent interest to the members of the Confederated Tribes shall be embodied in ordinances. Such ordinances shall be published from time to time for the information and education of the members of the Confederated Tribes.

SEC. 11. All final decisions of the Council on matters of temporary interest (such as action on the Reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to inspection by members of the Confederated Tribes.

SEC. 12. In all ordinances, resolutions or motions the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 13. Every ordinance shall begin with the words: "Be it enacted by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation ---".

SEC. 14. Every resolution shall begin with the words: "Be it resolved by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation---".

SEC. 15. Every ordinance or resolution shall contain a recital of the provisions of this Constitution under which authority for the said ordinance or resolution is found.

ARTICLE V — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-Laws, when ratified by a majority vote of the voters of the Confederated Tribes of the Warm Springs Reservation of Oregon, voting at a special election called by the Secretary of the Interior in which at least thirty per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 15, 1937, by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the members of the Confederated Tribes of the Warm Springs Reservation of Oregon, and was on December 18, 1937, duly adopted by a vote of 181 for and 77 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

JERRY BRUNOE,
Chairman of Tribal Council
LEWIS PITT,
Secretary-Treasurer of Tribal Council.

J. W. ELLIOTT,
Superintendent, Warm Springs Agency.

I, Oscar L. Chapman, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Confederated Tribes of Oregon.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to the Confederated Tribes of the Warm Springs Reservation of Oregon.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 20, 1938.

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

Washington, D. C., February 14, 1938.

***

AMENDMENTS TO THE CONSTITUTION AND BY-LAWS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

AMENDMENT 1. That section 3, Article III of the Constitution be amended to read:

"The members of the Confederated Tribes of the Warm Springs Reservation, may by a majority vote of the qualified voters of the Confederated Tribes voting at an election called for that purpose by the Secretary of the Interior, provided at least 50 per cent of those entitled to vote shall vote in such election, adopt as a member of the Tribe any person of 1/8 or more Indian blood who is a descendant of a member or former member of the Confederated Tribes: Provided, That any person adopted into membership must have resided at least three years upon the Warm Springs Reservation immediately prior to the date of his application for adoption, and shall not be a member of any other tribe of Indians."

AMENDMENT 2. That section 4, Article VIII of the Constitution to be amended to read:

"Tribal land under this section may be assigned by the Tribal Council in economic units, but not in excess of 40 acres of irrigated farm land, and 80 acres of pasture land, or 80 acres of dry-farm land and 80 acres of pasture land to any head of a family.

***

CERTIFICATION OF ADOPTION

Pursuant to an order, approved January 31, 1940, by the Assistant Secretary of the Interior, the attached amendments to the Constitution and By-Laws of the Confederated Tribes of the Warm Springs Reservation of Oregon, were submitted for ratification to the qualified voters of the reservation, and on February 21, 1940, Amendment No. 1 was adopted by a vote of 93 for, and 68 against, and Amendment No. 2 was adopted by a vote of 149 for, and 15 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

GEORGE MEACHEM,
President, Tribal Council.

J. W. ELLIOTT,
Superintendent, Warm Springs Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I, amending section 3 of Article III of the Constitution and By-Laws; and Amendment II, amending section 4, Article VIII of the Constitution and By-Laws of the Confederated Tribes of the Warm Springs Reservation of Oregon.

Approval recommended May 13, 1940.

WILLIAM ZIMMERMAN, JR.
Assistant Commissioner.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

Washington, D. C., May 15, 1940.

***

AMENDMENT III. Article V, Section 1 (t) of the Constitution of the Confederated Tribes of the Warm Springs Reservation shall be amended as follows:

(t) To appropriate for tribal use of the reservation, any available tribal funds; provided, That any such appropriation exceeding $2,500 shall be subject to review by the Secretary of the Interior; And provided, further, That any appropriation in excess of $25,000 in any one fiscal year for any purpose, other than per capita payments, shall be of no effect until approved in a popular referendum.

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved March 18, 1948, by the Assistant Secretary of the Interior, the attached Amendment III to the Constitution and By-laws of the Confederated Tribes of the Warm Springs Reservation of Oregon, was submitted for ratification to the qualified voters of the reservation, and was on April 24, 1948, duly adopted by a vote of 199 for, and 34 against, in an election in which over thirty per cent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

AVEX MILLER
Chairman, Tribal Council, Confederated Tribes,
Warm Springs Reservation.
VERNON JACKSON
Secretary-Treasurer, Tribal Council, Confederated Tribes,
Warm Springs Reservation.

J. W. ELLIOTT
Superintendent, Warm Springs Agency.

***

APPROVAL OF AMENDMENT III OF WARM SPRINGS TRIBAL
CONSTITUTION AND BY-LAWS

I, William E. Warne, Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve Amendment III to the Constitution and By-laws of the Confederated Tribes of the Warm Springs Reservation, Oregon.

Approval recommended: May 19, 1948.

JOHN H. PROVINSE
Assistant Commissioner.

WILLIAM E. WARNE
Assistant Secretary of the Interior.

Washington, D. C., May 20, 1948.

***

AMENDMENT IV. Article III of the Bylaws of the Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

"The councilmen shall receive as compensation for their services, not to exceed $8.00 per day while in session, and a mileage fee of five cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen."

***

APPROVAL

I, William E. Warne, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment IV, amending Article III of the Bylaws of the Confederated Tribes of the Warm Springs Reservation, Oregon.

Approval recommended: May 15, 1950.

S. S. MYER
Commissioner of Indian Affairs.

WILLIAM E. WARNE
Assistant Secretary of the Interior.

[SEAL]

Washington, D. C., May 16, 1950.

***

AMENDMENT V. Article III of the Bylaws of the Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

"The Councilmen shall receive as compensation for their services, not to exceed $12.00 per day while in session and the mileage fee of seven cents per mile for travel from their home to place of meeting and return. Expenses shall be paid from available tribal funds. The Tribal Council may fix salaries of officers or committeemen."

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved July 24, 1953, by the Assistant Secretary of the Interior, the attached Amendment V to the Constitution and Bylaws of the Confederated Tribes of the Warm Springs Reservation, Oregon, was submitted for ratification to the qualified voters of the reservation, and was on August 8, 1953, duly adopted by a vote of 209 for, and 47 against, in an election in which at least 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

CHARLES JACKSON
President, Tribal Council.
VERNON JACKSON
Secretary-Treasurer, Tribal Council.

NICHOLAS WELTER
Superintendent, Warm Springs Agency

***

APPROVAL

I, Orme Lewis, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve Amendment V to the Constitution and Bylaws of the Confederated Tribes of the Warm Springs Reservation, Oregon.

Approval recommended: October 13, 1953

W. BARTON GREENWOOD
Commissioner

ORME LEWIS
Assistant Secretary of the Interior

[SEAL]

Washington, D. C., October 23, 1953.

***

AMENDMENT VI. Article V, Section 1 (g) of the Constitution of The Confederated Tribes of the Warm Springs Reservation shall be amended as follows:

(g) To promulgate and enforce ordinances, subject to review by the Secretary of the Interior, which would provide for assessments or license fees upon nonmembers doing business within the reservation. This power may also extend to members of The Confederated Tribes, provided such ordinances have been approved by a referendum of the Confederated Tribes.

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved November 19, 1958, by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and Bylaws of the Confederated Tribes of the Warm Springs Reservation, Oregon, was submitted for ratification to the qualified voters of the reservation, and was on April 25, 1959 duly adopted by a vote of 198 for, and 117 against, in an election in which at least 30 per cent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

AVEX D. MILLER
Chairman, Tribal Council
VERNON JACKSON
Secretary-Treasurer, Tribal Council

A. W. GALBRAITH
Superintendent, Warm Springs Agency

***

APPROVAL

I, Fred G. Aandahl, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment 8 to the Constitution and Bylaws of the Confederated Tribes of the Warm Springs Reservation of Oregon.

Approval recommended:

H. REX LEE
Acting Commissioner of Indian Affairs

Fred G. Aandahl
Assistant Secretary of the Interior

[SEAL]

Washington D. C., June 22, 1959.

***

AMENDMENT VII. Article V. Section 1 (c) of the Constitution of The Confederated Tribes of the Warm Springs Reservation shall be amended to read as follows:

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other duly qualified official or agency of Government; Provided, That no tribal lands shall ever be sold except for governmental purposes.

***

CERTIFICATION OF ADOPTION

Pursuant to an order approved April 3, 1959, by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and Bylaws of the Confederated Tribes of the Warm Springs Reservation, Oregon, was submitted for ratification to the qualified voters of the reservation, and was on April 25, 1959 duly adopted by a vote of 186 for, and 137 against, in an election in which at least 30 per cent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Recrganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

AVEX D. MILLER
Chairman, Tribal Council
VERNON JACKSON
Secretary-Treasurer, Tribal Council

A. W. GALBRAITH
Superintendent, Warm Springs Agency

***

APPROVAL

I, Fred G. Aandahl, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment 9 to the Constitution and Bylaws of the Confederated Tribes of the Warm Springs Reservation of Oregon.

Approval recommended:

H. REX LEE
Acting Commissioner of Indian Affairs

FRED G. AANDAHL
Assistant Secretary of the Interior

[SEAL]

Washington, D. C., June 22, 1959.

***